



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

February 18, 2021

Conesville FGD Landfill
County Road 273
Conesville, Ohio 43811

Conesville Industrial Park, LLC
500 Seneca Street, Suite 504
Buffalo, New York 14204

**Re: Conesville FGD Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfill
Coshocton County
MSWL018444**

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for **Conesville FGD Landfill**.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions, please contact Teri Finfrock at (614) 644-3037.

Sincerely,

Jeri Main

Jeri Main, Administrative Professional Unit
Division of Materials & Waste Management

Enclosure

ec: Teri Finfrock, Legal
Kelly Jeter/ Bruce McCoy, DMWM, CO
Rich Fox/ Mark Mansfield, DMWM, SEDO
Zach Fanning, zachfanning@coshoctoncounty.net
Craig Slater: cslater@fic-services.com; Jeff Wind: jwind@fic-services.com
Rob Zuchlewski: rzuchlewski@fic-services.com; Pete Hartung: phartung@fic-services.com

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Conesville FGD Landfill	:	<u>Director's Final Findings</u>
County Road 273	:	<u>and Orders</u>
Conesville, Ohio 43811	:	
Conesville Industrial Park, LLC	:	
500 Seneca Street, Suite 504	:	
Buffalo, New York 14204	:	
	:	
	:	
Respondents	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

This Director's Authorization (hereinafter "Order") is hereby entered into with the Conesville Industrial Park, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 3734.13, and 3745.01, as well as Ohio Administrative Code ("OAC") Rules 3745-513. This Order concerns the document titled "OAC Chapter 3745-513 Application, FGD Landfill Closure By Removal Project, Conesville Industrial Park (Former AEP Conesville Power Generation Plant), Conesville, Ohio" ("Chapter 513 Request") submitted on October 5, 2020, to Ohio EPA by Civil & Environmental Consultants, Inc., on behalf of Respondent, and defined herein.

II. PARTIES

This Order shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No changes in ownership relating to the Chapter 513 Area, as defined herein, shall in any way alter Respondent's obligations under this Order.

Respondent shall provide a copy of this Order to all contractors, subcontractors, and consultants retained to perform construction or any other activities or work pursuant to this Order. Respondent shall ensure that all contractors, subcontractors, and consultants retained to perform construction or any other activities or work pursuant to this Order also comply with all applicable provisions of this Order. Respondent's obligations under this Order may be altered only by the written approval of the Director of Ohio EPA in accordance with Section VII of this Order, "Modifications and Alterations".

III. DEFINITIONS

Unless otherwise stated, all terms used in this Order shall have the same meaning as used in ORC Chapter 3734 and the rules promulgated thereunder. Unless otherwise stated, all OAC citations shall refer to rules in effect on the date of this Order. Whenever the terms listed below are used in this Order or in any exhibits, attached hereto and incorporated herein, the following definitions shall apply:

1. "Chapter 513 Request" shall mean the document titled, "OAC Chapter 3745-513 Application, FGD Landfill Closure By Removal Project" submitted to Ohio EPA on October 5, 2020 and amended on November 5 and November 25, 2020. The Chapter 513 Request is attached hereto as Exhibit 1 and is incorporated into this Order by reference as if it were fully rewritten herein.
2. "Chapter 513 Area" shall mean the entirety of the approximately 26-acre Conesville FGD Landfill located south and east of County Road 273, in Conesville, Coshocton County, Ohio, as designated on the plan drawings included in Exhibit I of this Order.

IV. FINDINGS OF FACT

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

1. Respondent Conesville Industrial Park, LLC owns the Conesville FGD Landfill located to the south and east of County Road 273, Conesville, Franklin Township, Coshocton County, Ohio, which is located on land identified as parcel number 0100000080600 by the Coshocton County Auditor ("Property").
2. The Property is also the site of the following:
 - a. The former Conesville Power Generation Plant located to the south of the Conesville FGD Landfill; and

- b. A series of six (6) surface impoundments filled with coal combustion residuals located adjacent to and southeast of the Conesville FGD Landfill and identified as follows: Pond 1, Pond 2, Pond 3, Pond 4, Bottom Ash Pond and Clear Water Pond and permitted NPDES outfall as included in Exhibit I of this Order ("Ash Pond Complex").
3. Columbus Southern Power Company ("CSP") owned and operated the Conesville FGD Landfill from 1977 until it ceased operation in 1988 and closed under Ohio's statutes and rules as effective at the date of closure.
4. The Conesville FGD Landfill accepted approximately 4.6 million cubic yards of air pollution control residuals, primarily stabilized flue gas desulfurization (FGD) and fly ash, generated from the adjacent Conesville Power Generation Plant. Ohio EPA records indicate that waste acceptance ceased in June 1988 and substantial closure of the Conesville FGD Landfill was completed in September 1988.
5. Following the completion of thirty years of post-closure care, on November 18, 2018, American Electric Power submitted a request to be released from further post-closure care obligations at the Conesville FGD Landfill. Ohio EPA authorized the discontinuance of post-closure care obligations on March 25, 2019.
6. The Property, including the Conesville FGD Landfill, was transferred from AEP Generation Resources Inc to Respondent on June 5, 2020 as documented in Exhibit 1.
7. ORC Section 3734.02(H) provides, in part, that "[n]o person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish a procedure for granting such authorization by rules adopted in accordance with Chapter 119 of the Revised Code."
8. OAC Chapter 3745-513-300(A) provides, in part, that "any person proposing to engage in chapter 513 activities at a modern or historic facility shall submit an application to Ohio EPA to demonstrate that the proposed chapter 513 activities will not result in violation of applicable laws and regulations administered by the director, will not create a nuisance, and will not adversely affect the public health or safety or the environment."
9. On October 5, 2020 and amended on November 5 and November 25, 2020, Respondent submitted to Ohio EPA the Chapter 513 Request pursuant to OAC Chapter 3745-513.

10. The Chapter 513 Request describes Respondent's proposed activities, including the complete excavation of the approximately 26-acre Conesville FGD Landfill (hereafter the "Chapter 513 Area") and the relocation of all excavated wastes to other locations, as authorized by Ohio EPA or Ohio Department of Natural Resources.
11. The Chapter 513 Request includes an affirmation statement, in accordance with OAC Chapter 3745-513-300(A)(11), that the proposed Chapter 513 activities will be conducted in compliance with all applicable state and federal rules and laws. This certification is provided in Exhibit 1, Appendix B.
12. The Chapter 513 Request includes a cost estimate to re-establish the final cap for the Chapter 513 Area should the project not be fully completed.
13. In accordance with OAC Chapter 3745-513-370(A)(3), The Chapter 513 Request proposes to execute and record deed notations on the Chapter 513 Area. The deed notations will comply with Section X of this Order, "Land Use and Conveyance of Title."
14. The Director finds that approval of this Order under ORC Section 3734.02(H) and OAC Chapter 3745-513 to Respondent, in order to perform the activities described in the Chapter 513 Request, will not result in violation of applicable laws and regulations administered by the Director, will not create a nuisance, and will not adversely affect the public safety or health or the environment, provided that Respondent strictly complies with all terms and conditions of this Order, including Exhibit 1.

V. AUTHORIZATION AND ORDERS

ORC Section 3734.02(H) and OAC Chapter 3745-513 Authorization

1. Pursuant to ORC Section 3734.02(H) and OAC Chapter 3745-513, Respondent is hereby granted authorization to conduct the proposed activities on the Chapter 513 Area in accordance with the Chapter 513 Request and this Order. Respondent shall comply with all terms and conditions of this Order, including Exhibit 1, except as provided under Section VII of this Order, "Modifications and Alterations."

Respondent shall notify Ohio EPA and the Coshocton County Health Department at least seven (7) days prior to commencement of the activities authorized in the Chapter 513 Request.

2. By no later than three (3) years after the effective date of this Order, Respondent shall have completed all activities authorized in the Chapter 513 Request, except as provided under Section VII of this Order, "Modifications and Alterations".
3. Respondent shall prevent the migration of any leachate from the Chapter 513 Area to areas other than the adjacent Ash Pond Complex.
4. Respondent shall perform all activities under this Order in a manner that does not create a nuisance or adversely affect the public safety or health or the environment.
5. Respondent shall conduct all activities in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to, the control of air pollution, leachate, and surface water run-on and run-off, and the protection of ground water.
6. Respondent shall ensure that all wastes excavated from the Chapter 513 Area are properly disposed or beneficially re-used in accordance with Ohio EPA and/or Ohio Department of Natural Resources requirements and/or authorizations.
7. Not later than each February 1st, May 1st, August 1st, and November 1st, Respondent shall submit quarterly progress reports via email to Ohio EPA, SEDO and the Coshocton County Health Department until written notification is submitted to Ohio EPA certifying that activities authorized by this Order have been completed, in accordance with Order No. 9. The reports shall provide a detailed description of activities performed during the previous quarter, including, but not limited to, the following information:
 - a. Quarterly and cumulative waste excavation quantities from the Chapter 513 Area
 - b. Approximate percentage of waste removed from the Chapter 513 Area
 - c. Acreage of waste exposed during the previous quarter in each excavation phase of the Chapter 513 Area (Phases 1 through 5) and cumulative acreage of waste exposed during the previous quarter;
 - d. Quarterly and cumulative quantities of waste removed to each authorized disposal or beneficial use location;
 - e. Approximate percentage of airspace filled and remaining for each authorized disposal or beneficial use location;

8. Not later than sixty (60) days after the completion of activities authorized by this Order, Respondent shall submit, for written concurrence, a certification report(s), in accordance with OAC Chapter 3745-513-370, to Ohio EPA, SEDO, which shall be prepared under the supervision of, signed by, and sealed by a professional engineer registered in the state of Ohio. Respondent shall provide in each certification report submitted under this Order a notarized statement that states, "To the best of the knowledge of Conesville Industrial Park, LLC and its contractors and representatives, the certification report is true and accurate and contains all information required in accordance with the Director's Final Findings and Orders and the Chapter 513 Request."
9. This Order provides authorization for Respondent to conduct only those activities included in Exhibit 1 and the subsequent revisions as authorized herein. Respondent shall conduct no other filling, grading, excavating, building, drilling, or mining at the Chapter 513 Area without prior written approval from Ohio EPA in accordance with ORC Section 3734.02 and OAC Chapter 3745-513.
10. Nothing in this Order shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations in accordance with OAC Chapter 3745-513, except as provided herein. This approval shall not be interpreted to release Respondent, or its contractors, subcontractors, consultants, or others retained to perform the construction or any other activities or work pursuant to this Order from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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.
11. The Director may revoke this Order if Respondent violates, or is likely to violate, any applicable law related to the Chapter 513 Area or these Orders, or if the continued implementation of the work provided for in the Chapter 513 Request causes or may cause a threat to human health or safety or the environment, or if Respondent or fails to comply with any applicable term or condition of this Order.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to this Order shall be taken in accordance with the requirements of all applicable federal, state, and local laws and regulations. Nothing in this Order shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent's activities and/or the Chapter 513 Area.

VII. MODIFICATIONS AND ALTERATIONS

This Order may be modified or altered by agreement of the parties hereto. Modifications to this Order shall be by agreement of the parties in the form of Director's Authorization and Exemption Order, or Final Findings and Orders, and shall be effective on the date entered in the journal of the Director of Ohio EPA. A "modification" for purposes of this Section shall be defined to mean a change to the language of this Order, but shall not include changes to the language of Exhibit 1. For purposes of this Section, any change to the language of Exhibit 1 shall be defined to be an "alteration." All alterations to Exhibit 1 shall be made by agreement of the parties in the form of a letter signed by representatives from Ohio EPA authorizing the alteration or through other means authorized by Ohio EPA.

VIII. NOTICE

All documents required to be submitted by Respondent pursuant to this Order shall be sent to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Materials and Waste Management
2195 East Front Street
Logan, Ohio 43138

or

https://fileshare.epa.ohio.gov/filedrop/sedo_dmwm_submittals

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

IX. FINANCIAL ASSURANCE

1. Pursuant to OAC Chapter 3745-513-300(A)(18) and this Order, no later than 14 days prior to the commencement of construction or any other activities or work pursuant to this Order, including the Chapter 513 Request, Respondent shall submit to Ohio EPA an executed and funded financial assurance instrument meeting the requirements of OAC Rules 3745-27-15 and 3745-27-17 for the cost

to reestablish closure of the Chapter 513 Area in the amount of \$1,379,072 as estimated in Appendix E of the Chapter 513 Request.

2. The financial assurance instrument shall be maintained by Respondent for the full amount of the total closure cost estimate in Appendix E of the Chapter 513 Request until all of the construction and installation activities and related work authorized in this Order have been completed, and have been certified and concurred with by Ohio EPA in accordance with Paragraph 9, Section V, "Authorization and Orders"

Respondent shall not reduce the amount of the financial assurance instrument required by Paragraph 1 of this Section unless otherwise approved by the Director of Ohio EPA in writing.

3. Except as provided in this Order, Respondent shall comply with the requirements of OAC Rules 3745-27-15 and 3745-27-17 notwithstanding any claimed argument that such rules are not legally applicable to the Chapter 513 Area or to Respondent's activities on the Chapter 513 Area. Ohio EPA may draw on the financial assurance required by this Order and use the funds drawn for any of the reasons described above when any of the grounds set forth in OAC Rules 3745-27-15 and OAC 3745-27-17 for drawing on the financial assurance have been met, or because Respondent has violated any of the provisions of this Order.

X. LAND USE AND CONVEYANCE OF TITLE

1. Respondent shall record a notice on the deed for the property that includes the Chapter 513 Area in the official records for Coshocton County, Ohio with the Coshocton County Recorder's Officer. The notice shall reference the presence of a solid waste landfill on the property and the existence of this Order and shall contain the following statement:

"Ohio EPA issued authorization under ORC Section 3734.02(H) and OAC Chapter 3745-513 to Conesville Industrial Park, LLC (CIP) to conduct activities at the landfill located on the property subject to this notice. Ohio EPA's review of CIP's request for authorization under OAC Chapter 3745-513 was limited to whether the activities authorized within the Chapter 513 Area of the Conesville FGD Landfill could result in the release of contaminants or the formation and migration of explosive gas that might be harmful to human health, safety, or the environment. Because Ohio EPA's review was limited to these issues, Ohio EPA makes no representation that the property subject to this notice, if developed for any purpose, including but not limited to commercial and/or industrial development, will be suitable for such purposes."

2. A copy of the recorded deed notice shall be submitted to Ohio EPA not later than seven (7) days after recording the deed notice.

XI. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of this Order or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with this Order. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3734 or 6111 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in this Order shall be construed to limit the authority of Ohio EPA to seek relief for violations that may occur at the Chapter 513 Area and/or the Conesville FGD Landfill facility.

XII. AGREEMENT NOT TO SUE

Respondent agrees not to sue the State of Ohio for any and all claims or causes of action arising from, or related to, any work performed pursuant to these Orders.

XIII. WAIVER

Respondent consents to the issuance of this Order and agrees to comply with their obligations under this Order. Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this Order, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this Order either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this Order is appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with this Order notwithstanding such appeal and intervention unless this Order is stayed, vacated, or modified.

XIV. TERMINATION

Except for the requirements of Section XII, "Agreement Not to Sue" of this Order which shall survive the termination of the requirements of this Order, Respondent's obligations under this Order shall terminate when Respondent has certified in writing and demonstrated to the satisfaction of Ohio EPA that Respondent has performed all their

respective obligations under this Order and the Chief of Ohio EPA's Division of Materials and Waste Management, or its successor, acknowledges in writing the termination of Respondent's obligations under this Order. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of their obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above. Respondent's certification shall contain the following attestation: "To the best of the knowledge of Conesville Industrial Park, LLC and its contractors and representatives, the certification report is true and accurate and contains all information required in accordance with the Authorization and Chapter 513 Request." The certification shall be signed by a responsible official of Respondent.

XV. ACCESS

Ohio EPA or its authorized representatives shall have access at all reasonable times, including during business hours, to the Chapter 513 Area and any other property to which access is required for the implementation of this Order, to the extent access to the property is controlled by Respondent. Access under this Order shall be for the purposes of conducting any activity related to this Order including but not limited to the following:

- a. Monitoring the Work;
- b. Conducting sampling;
- c. Inspecting and copying records, operating logs, contracts, and/or other documents related to the implementation of these Orders;
- d. Monitoring compliance with use restrictions;
- e. Conducting investigations and tests related to the implementation of these Orders;
- f. Verifying any data and/or other information submitted to Ohio EPA; and
- g. Performing closure work on the Chapter 513 Area as required under OAC 3745-27-11 and OAC Chapter 3745-513 and this Order through use of the financial assurance provided herein. To the extent Ohio EPA and its contractors perform closure work at the Chapter 513 Area, Respondent agrees to provide Ohio EPA with access to any soils stockpiled on site for use in such work.

To the extent that the Chapter 513 Area or any other property to which access is required for the implementation of this Order is owned or controlled by persons other than Respondent, Respondent shall use their best efforts to secure from such persons access for Respondent and Ohio EPA as necessary to effectuate this Order. Copies of all access agreements obtained by Respondent shall be provided to Ohio EPA upon request. If any access required to implement this Order is not obtained within thirty (30) days of the effective date of this Order, or within thirty (30) days of the date Ohio EPA notifies Respondent, in writing, that additional access beyond that previously secured is

necessary, Respondent, as applicable, shall promptly notify Ohio EPA in writing of the steps Respondent has taken to attempt to obtain access. Ohio EPA may, as it deems appropriate, assist Respondent in obtaining access.

Notwithstanding any provision of these Orders, the State of Ohio retains all of its access rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulations, including but not limited to ORC Sections 3734.20 and 6111.05.

XVI. EFFECTIVE DATE

The effective date of this Order is the date this Order is entered into the Ohio EPA Director's Journal.

XVII. SIGNATORY AUTHORITY

Each undersigned representative of a party to this Order certifies that he or she is fully authorized to enter into this Order and to legally bind such party to this Order.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

2/18/2021

Date

IT IS SO AGREED:

Conesville Industrial Park, LLC

By: E-SIGNED by Craig Slater
on 2021-02-12 01:07:12 GMT

2021-02-12 01:07:12 UTC

Craig Slater
Vice President and General Counsel

Date



November 4, 2020

Mr. Mark Mansfield
Ohio Environmental Protection Agency
Division of Materials and Waste Management
Southeast District Office
2195 East Front Street
Logan, OH 43138

Dear Mr. Mansfield:

Subject: Responses to Comments – Notice of Deficiency
Rule 513 Application – FGD Landfill Closure by Removal
Conesville Industrial Park
Conesville, Ohio
CEC Project 196-318

On behalf of Conesville Industrial Park, LLC (CIP), Civil & Environmental Consultants, Inc. (CEC) is providing these responses to the Ohio Environmental Protection Agency (Ohio EPA) comments in their Notice of Deficiency (NOD) dated October 27, 2020, regarding the application entitled *FGD Landfill Closure by Removal Project dated October 2020* (Application) for the closed Conesville FGD Landfill (Facility) in Coshocton County. The Application was prepared in accordance with Ohio Administrative Code (OAC) Rule 3745-513 by CEC on behalf of CIP. Specifically, the Application documents the proposal to excavate the entirety of the Facility and removal of the waste to other authorized locations. Ohio EPA comments regarding the Application are provided below in italicized text, followed by the CIP response to each comment. Pertinent information contained in CIP Responses below have been incorporated into the revised Application enclosed.

COMMENTS

- 1. The Application indicates that any leachate generated during the project will be directed to the adjacent ash pond system. Please provide further discussion/drawings that describe the leachate flow paths for the gravity flow and/or pumping of leachate to the ash pond system.*

CIP Response: Comment 1 is addressed in the response to Comment 2 below.

- 2. The Application appears to indicate that the entire landfill cap may be removed at the beginning of the project. To reduce the amount of leachate produced during this multi-year project, Ohio EPA would encourage CIP to consider a staged approach, in which smaller portions of the cap are removed and waste fully excavated in that portion before moving into the next portion. Please provide further discussion/phased drawings that clarify the methodology for removing the Facility cap system.*

CIP Response: Section 2.0(A)(17)(f) of the Application has been revised to include the information below.

CIP is proposing to complete the removal of the landfill cap in a phased approach as shown on the enclosed Figure 5 that will include Phases 1 through 4. Phase 5 underlies Phases 1 through 4 and includes the remaining waste following complete removal of the FGD Landfill cap (see cross sections on Figures 6 and 7). This phased excavation plan will reduce the volume of contact water generated by delaying removal of the landfill cap as long as possible during the landfill removal process.

Figure 5 provides anticipated flow paths for stormwater/contact water during the FGD Landfill closure by removal project. Beginning with Phase 1, each cap removal phase will be excavated from northeast to southwest. Initially, the bottom of excavation in each phase will be constructed to allow stormwater/contact water to gravity drain to the Ash Pond Complex, entering the complex at Ash Ponds 1 and 2 as shown on Figure 5. Water discharging from the Ash Pond Complex is routinely monitored and reported to Ohio EPA under the existing National Pollution Discharge and Elimination System (NPDES) Permit No. OIB00013*MD. In addition, CIP is preparing a construction stormwater NPDES general permit (OHC000005) Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) for the construction activities at the FGD Landfill closure by removal project. The SWPPP includes erosion and sedimentation controls and regular inspection documentation forms that will be completed and maintained on-site. The SWPPP will be modified, if needed, based on applicable changes to the project stormwater management process.

The excavation activities in each active phase will begin with the removal of the clay cap. The clay cap material will be visually screened for FGD contamination and then placed in a clean stockpile located in the northwest area of SR 83 Landfill. The SR 83 Landfill Stormwater Pollution Protection Plan (SWPPP) will be updated to include erosion and sedimentation controls for the FGD Landfill cap soils stockpile and associated inspections of these controls. Once the clay cap has been removed, CIP will then begin removal of the FGD material from the active phase.

Excavation of the FGD material will be limited to cuts of around 5 to 7 feet in height. Each cut will be constructed so that excavation equipment and haul trucks have a large enough area to work safely. Temporary cut faces will be sloped approximately 2H:1V. The excavation equipment will traverse the cut face in the active phase to attain the lowest grade that will promote gravity drainage to the Ash Pond Complex as discussed previously. Upon reaching the achievable grade, excavation will move to the next phase area. Once the FGD material has been excavated in the first four phases to attain gravity flow to the Ash Pond Complex, excavation will then proceed below the perimeter berm elevations (Phase 5 excavation). The berm that is located between the FGD Landfill and the Ash Pond Complex will be lowered as excavation activities progress south to promote drainage to the Ash Pond Complex (Ash Ponds 1 and 2) to the east and CIP will also

install temporary sumps and pumps to manage contact water until the FGD Landfill material is completely removed. The sumps will be moved as needed to collect and pump stormwater/contact water to the Ash Pond Complex. Final excavation side slopes will be 3H:V1.

3. *The Director may require financial assurance when approving a Chapter 513 application to ensure funds are available should the owner be unable to fully complete the project and the landfill cap system must be reconstructed. Ohio EPA requests that CIP provide financial assurance for the reconstruction of landfill cap system atop the worst-case area of exposed waste during the project. In relation to Comment 2, a staged excavation approach could reduce this worst-case area. Please provide a closure cost estimate to reestablish the landfill cap system for the proposed worst-case acreage. In addition, please note in the Application that a financial assurance mechanism will be established and funded for the approved closure cost estimate prior to disturbance of the landfill cap.*

CIP Response: Section 2.0(A)(18) of the Application has been revised to include the information below.

A financial assurance estimate for capping the FGD Landfill is provided in Appendix E.

4. *Please update the Application to include a discussion of how CIP will determine that all waste materials have been removed and that clean-closure has been achieved.*

CIP Response: Section 2.0(A)(19) of the Application has been revised to include the information below.

The FGD Landfill excavation will terminate upon reaching visually clean native soils beneath the landfill base. CIP will contract a third-party engineer to evaluate and document visual clean termination. TCLP testing will be completed on seven composite samples of any visually impacted native soils excavated for closure by removal prior to transport to the SR 83 Landfill or the Five Points Abandoned Mine Lands (AML) Reclamation Area. If the visually impacted native soils do not meet the waste acceptance criteria for the SR 83 Landfill or the AML Reclamation Area, the material will be transport to an appropriately licensed waste disposal facility.

5. *Please provide the planned schedule for the closure by removal project, including the anticipated start date, completion date, and annual removal volume. Please consider potential unanticipated delays in this schedule.*

CIP Response: Section 2.0(A)(19) of the Application has been revised to include the information below.

The anticipated schedule for closure by removal of the FGD Landfill is provided in Appendix F. The anticipated start date is mid-December 2020 and the projected

completion date is early January 2023 based on the removal volumes provided in Table 1 in Appendix F.

6. *In accordance with OAC Rule 3745-513-370(A), an updated plat map/deed notation should be provided in the final certification report. Please ensure that the deed/plat for this property is updated to note the closure by removal project. However, to ensure any future buyer is adequately informed, please ensure the updated deed/plat continues to document the historic location and specifications of the landfill.*

CIP Response: Section 2.0(A)(10) of the Application has been revised to include the information below.

Following closure by removal of the FGD Landfill, CIP will record a notation on the deed of the property or another instrument that is normally examined during title search. The deed notation shall notify in perpetuity to any potential purchaser of the property that the land has been used as a solid waste disposal facility and that use of the property is restricted. The deed notation shall include the following information:

- (a) The acreage impacted by the chapter 513 activities.
- (b) The following, if known:
 - (i) The location of the waste.
 - (ii) The depth of the waste.
 - (iii) The volume of the waste.
 - (iv) The nature of waste.

Once officially recorded, the deed with notation will be submitted to Ohio EPA as an Addendum to the Rule 513 certification report required in OAC 3745-513-370.

7. *Please add a requirement to the Application that a quarterly report will be submitted to Ohio EPA and the Coshocton County Health Department documenting the volume of waste removed from the landfill during the previous quarter and its respective destination (landfill, AML project, Coal Refuse Area). Please also document the cumulative volumes of waste removed and the approximate percentage of waste removal completed. Additionally, if the staged removal approach discussed in Comment 2 and Comment 3 is implemented, the quarterly report should also document the extent of exposed waste.*

CIP Response: Section 3.0(C)(1)(c) of the Application has been revised to include the information below.

CIP will prepare FGD Landfill Excavation and Placement Quarterly Reports which will include the following information:

- Quarterly and cumulative waste excavation quantities;
- Approximate percentage of landfill waste removal using a baseline survey that

was completed in October 2020 followed by quarterly survey to determine volume of FGD material removed;

- Acreage of exposed waste in each excavation phase (Phases 1 through 5) and cumulative acreage of exposed waste (by survey as described above);
- Quarterly and cumulative placement quantities by location [SR 83 Landfill, the Five Points Phase III AML Reclamation Areas (East and West) and/or the CCU Coal Refuse Area]. A baseline survey of the SR 83 Landfill and Five Points Reclamation Areas were completed in October 2020 which will be compared to quarterly surveys to determine volumes and areas filled. A baseline survey of the CCU Coal Refuse Area will be completed once the area has been permitted and prepared for the proposed reclamation construction; and,
- Approximate percentage of airspace filled and remaining by location [SR 83 Landfill, the Five Points Phase III AML Reclamation Areas (East and West) and/or the CCU Coal Refuse Area, by survey as described above.

Quarterly reports will be submitted to Ohio EPA and the Coshocton County Health Department within 30 days following the end of each quarter once excavation begins.

8. *Please provide a discussion on the steps to be taken (containerization, characterization, proper disposal) should waste not considered coal combustion residual waste be encountered during the excavation project.*

CIP Response: Section 3.0(C)(2) of the Application has been revised to include the information below.

An extensive subsurface boring program at the FGD Landfill was completed in June 2020 which consisted of nine borings through the landfill cap that were advanced through the base of the landfill and into the underlying native soils. Sample collection ranged from 2.5 to 5-foot intervals. None of the collected waste samples encountered non-coal combustion residual (non-CCR) waste overlying natural soil. Thus, it is unlikely that non-CCR waste will be encountered during excavation of the FGD Landfill.

However, in the event the non-CCR waste is encountered during excavation of the FGD Landfill material, CIP will segregate the non-CCR waste material by placing it in a temporary storage area within the landfill excavation that will be contained using berms and tarps. Representative composite samples of the non-CCR waste material will be collected for laboratory testing to determine the waste characteristics. Tarps will be placed beneath and completely covering the non-CCR waste in the temporary storage area. Composite samples will be collected randomly and will undergo RCRA hazardous waste characterization testing defined in 40 CFR part 261 subpart C (ignitability, corrosivity, reactivity and toxicity). Non-CCR waste material will be properly containerized and transported to a licensed municipal solid waste landfill or hazardous waste landfill based on hazardous waste characterization laboratory results. Complete documentation of the encountered waste locations, quantities, temporary storage area

Mr. Mark Mansfield – Ohio Environmental Protection Agency
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location, waste sampling procedures, sampling dates, laboratory analytical results, transportation containerization methods, transportation manifests and receiving landfill locations will be documented and submitted to Ohio EPA.

Please contact Mr. Jeffery Wind at 716.713.5102 or jwind@fic-services.com if you have any questions or require additional information regarding these responses to Ohio EPA NOD comments.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Roy A. Stanley, P.G.
Senior Project Manager



Anthony P. Amicon, P.E.
Vice President

ec: Jeremy Carroll, DMWM-CO
ec: Cassandra Schramm, DMWM-CO
ec: Erika Jackson, DMWM-SEDO
ec: Joe Goicochea, DMWM-SEDO
ec: Rich Fox, DMWM-SEDO
ec: Coshocton County Health Department
ec: Craig Slater, Frontier Industrial Corp
ec: Jeffery Wind, Frontier Industrial Corp
ec: Peter Hartung, Frontier Industrial Corp
ec: Roy Stanley, Civil & Environmental Consultants, Inc.

Enclosure: OAC Rule 3745-513 Application, FGD Landfill Closure by Removal Project,
October 2020, Revised November 2020.

ATTACHMENT A

OAC RULE 3745-513 APPLICATION

OAC RULE 3745-513 APPLICATION

**FGD LANDFILL CLOSURE BY REMOVAL PROJECT
CONESVILLE INDUSTRIAL PARK
(FORMER AEP CONESVILLE POWER GENERATION PLANT)
CONESVILLE, OHIO**

Prepared For:

**CONESVILLE INDUSTRIAL PARK, LLC
500 SENECA STREET – SUITE 504
BUFFALO, NEW YORK**

Prepared By:

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
CINCINNATI, OHIO**

CEC PROJECT 196-318.0320

**OCTOBER 2020
REVISED NOVEMBER 2020**



Civil & Environmental Consultants, Inc.



October 5, 2020

Mr. Mark Mansfield
Ohio EPA - SEDO
Division of Materials and Waste Management
2195 Front Street
Logan, OH 43138

Dear Mr. Mansfield:

Transmittal: OAC Rule 3745-513 Application
FGD Landfill Closure by Removal Project
Former AEP Conesville Power Generation Plant
CEC Project 196-318.0320

On behalf of Conesville Industrial Park, LLC (CIP), Civil & Environmental Consultants, Inc. (CEC) has prepared an Ohio Administrative Code (OAC) Rule 3745-513 Application (Rule 513 Application) to completely excavate (closure by removal) the closed flue-gas desulfurization (FGD) Landfill located at the former American Electric Power (AEP) Conesville Power Generation Plant (Conesville Plant). Planned closure and future re-development of the Conesville Plant includes removal of the closed unlined FGD Landfill and adjacent ash pond system. Sampling and testing of the FGD material was completed in June 2020 as needed for evaluation of beneficial use and/or disposal of the FGD material.

The enclosed Rule 513 Application addresses the following applicable Rule 513 chapters:

- Section 1.0: Introduction (OAC 3745-513-01(E));
- Section 2.0: OAC 3745-513-300; and,
- Section 3.0: OAC 3745-513-350.

In addition, CIP will submit a certification report that meets the requirements of OAC 3745-513-370 following completion of the closure by removal project.

Please contact the undersigned should you have any questions on the enclosed Rule 513 Application or require additional information.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.


Roy A. Stanley, P.G.
Senior Project Manager


Anthony P. Amicon, P.E.
Vice President

Enclosure: OAC Rule 3745-513 Application

cc: Craig Slater, Conesville Industrial Park, LLC
Jeff Wind, Conesville Industrial Park, LLC
Pete Hartung, Conesville Industrial Park, LLC
Justin Jent, AEP Corporate

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Appendix B – Certification and Affirmation Statements

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1.0 INTRODUCTION (OAC 3745-513-01(E))

The closed flue-gas desulfurization (FGD) Landfill and the Ash Pond Coal Combustion Residuals (CCR) unit (Ash Pond System) will be closed by removal in conjunction with closure of the former American Electric Power (AEP) Conesville Power Generation Plant (Conesville Plant). Conesville Industrial Park, LLC (CIP) purchased the Conesville Plant in June 2020 and will conduct closure and re-development of the property. The FGD Landfill contains FGD material from Units 5 and 6 air emissions control systems. Clayey soils that cover the FGD Landfill will be stripped and transported to the operating residual waste landfill (SR 83 Landfill), where the soils will be used to construct the final cover system upon reaching final waste grades. The FGD material removed from the FGD Landfill will be beneficially used as part of Abandoned Mine Lands (AML) Reclamation Project upon approval by the Ohio Department of Natural Resources (ODNR) or placed in the SR 83 Landfill as a currently approved waste stream by Ohio Environmental Protection Agency (Ohio EPA). Another option will be placement in the CCU Coal Refuse Area, which is permitted to accept FGD material by the Ohio Department of Natural Resources (ODNR), Permit #D-2414. For the purpose of closure by removal, approval from the Ohio EPA, conforming to the requirements of Ohio Administrative Code (OAC) 3745-513 (Rule 513), must be obtained prior to removal of the landfill cap and FGD material comprising the closed FGD Landfill.

Note that the beneficial use of ponded coal ash and FGD materials, which are coal combustion residuals (CCR) by definition in Code of Federal Regulation (CFR) Title 40 Part 257 Subpart D Section 257.53, are exempt from the requirements of CFR Title 40 Part 257 Subpart D as indicated in Section 257.50(h) which states, "This subpart does not apply to CCR placement at active or abandoned underground or surface coal mines."

In addition, the Ohio Revised Code (ORC), Title 15, Chapter 1513, Section 1513.02(A)(7) states that the Chief of the ODNR, Division of Mineral Resources Management (DMRM) shall regulate the beneficial use of coal combustion byproducts (referenced as CCRs above) at coal mining and reclamation operations and abandoned mine lands, including performance standards in ORC 1513.16. The beneficial use of CCRs regulated under this chapter is not subject to the following provisions of ORC Chapters 3734. and 6111. and rules adopted under those provisions:

- (i) Permit and license requirements for solid waste facilities established under sections 3734.02 and 3734.05 of the Revised Code;
- (ii) The prohibition against the open dumping of solid wastes established in section 3734.03 of the Revised Code;
- (iii) Solid waste generation and disposal fees established under sections 3734.57 to 3734.574 of the Revised Code;
- (iv) Permit to install and plan approval requirements established under sections 6111.03, 6111.44, and 6111.45 of the Revised Code.

OAC 3745-513-01(D) states the Rule 3745-513-300 and other related sections of Rule 513 applies to any person proposing to engage in chapter 513 activities which are defined as engaging

in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility or hazardous waste facility was operated.

The following sections of this document consist of the Rule 513 Application. The application format provides the OAC 3745-513 Rule in *italics* followed by the applicant response/information provided to satisfy the Rule. Revisions to this Rule 513 Application in response to the Ohio Environmental Protection Agency (Ohio EPA) Notice of Deficiency (NOD), dated October 27, 2020, are shown using underline text for additions and strike through text for deletions.

2.0 OAC 3745-513-300

3745-513-300 Application procedures for modern and historic facilities.

(A) Any person proposing to engage in chapter 513 activities at a modern or historic facility shall submit an application to Ohio EPA to demonstrate that the proposed chapter 513 activities will not result in violation of applicable laws and regulations administered by the director, will not create a nuisance, and will not adversely affect the public health or safety or the environment. At a minimum, the application shall include the following:

On behalf of CIP, Civil & Environmental Consultants, Inc. (CEC) has prepared this Rule 513 Application in accordance with OAC 3745-513-01 requirements. This Rule 513 Application addresses the specific requirements of OAC 3745-513-300 and OAC 3745-513-350 to assure that the FGD Landfill closure by removal project will not result in violation of applicable laws, will not create a nuisance and will not adversely affect the public health or safety or the environment. In accordance with OAC 3745-513-20(A)(2) this Rule 513 Application is being submitted not later than 31 days prior to the anticipated commencement of the proposed Rule 513 Application activities. Details of the Rule 513 Application are provided below.

(1) The name of the facility, if applicable.

The closed FGD Landfill (also known as the On-site Poz-o-Tec Landfill) is part of the Conesville Plant located in Conesville, Ohio and is the subject of this closure by removal project, along with removal of the adjacent Ash Pond System within 300 feet of the FGD Landfill.

(2) The address or physical location of the facility, including the municipal corporation or township and the county.

The FGD Landfill and Conesville Plant are located at 47201 County Road 273, Conesville, Ohio (Coshocton County, Franklin Township). The approximate location of the FGD Landfill is depicted on the enclosed Site Location Map (Figure 1).

(3) A description of the site's present or known prior use of hazardous waste or solid waste treatment, storage, or disposal, including a summary of all available documentation pertaining to the dates of operation and the types and quantities of waste handled.

The FGD Landfill provided disposal capacity for dewatered and stabilized flue gas desulfurization waste from the scrubber systems for Units 5 and 6 at the Conesville Generating Station. The FGD Landfill began operation in 1977 and ceased accepting waste in June 1988. The final phase was capped with 2 feet of a compacted clay barrier and final vegetation seeding was completed on September 22, 1988. After capping, the FGD Landfill entered into the post closure care period in November 1988. Post closure activities were completed in November 2018, approved by Ohio EPA in March 2019 and recorded in the Closure Plat in December 2019 (see documentation in Appendix A).

(4) The known or estimated size of the facility.

Approximately 4.6 million cubic yards of FGD material was deposited in the 50 acre FGD Landfill from June 1977 to June 1988 (Refer to the Facility Closure Plat enclosed within Appendix A). The approximate limits and surface topography of the FGD Landfill is depicted on the enclosed FGD Landfill Topography (Figure 2), which includes an approximate 26.5 acres landfill footprint.

(5) A demonstration of ownership of the facility and property or letters of acknowledgment from the owners of all parcels of land to which the authorization request pertains.

CIP purchased the Conesville Power Generation Plant from AEP in June 2020. The property deed is provided in Appendix D.

(6) A description of the specific activities and their intended purposes for which authorization is requested, including the manner by which the proposed chapter 513 activities will be accomplished.

The FGD Landfill material will be removed in conjunction with closure by removal of the adjacent Ash Pond System impoundments at the Conesville Plant. Because the stabilized FGD material exhibits low permeability and acid neutralizing characteristics, the FGD material will be beneficially used to reclaim abandoned surface mine highwalls in the AML Reclamation Areas (Phase III East and West) and CCU Coal Refuse Area and will also be placed in the SR 83 Landfill (see these locations on Figure 3).

The AML Reclamation Areas, currently permitted through the ODNR Division of Mineral Resource Management, include the following:

- Conesville Five Points Phase III AML Reclamation Areas: The Phase III project site is located within the Conesville Industrial Park property and has two areas, identified as the East and West Areas. This project began in 2012 and has an estimated available volume of about 1.5 million cubic yards needed to complete the project.
- Phase IV of the Conesville Five Points Reclamation Project may be considered depending on volume after Phase III is filled to the permit limits.

In addition, the CCU Coal Refuse Area, located south of the Conesville Industrial Park property, is currently accepting FGD material for highwall reclamation and is estimated to have an available volume of about 3.8 million cubic yards to complete the project. CCU is requesting modification of their existing ODNR permit for acceptance of pond ash from the Conesville Plant.

CIP has entered into an agreement with CCU to perform the FGD Landfill closure by removal activities. CCU has prepared an Operations Plan (OP) for these activities which includes the following:

- CCU expects to deploy (1) PC1250 excavator, (2) Cat 992 loaders, (6 to 8) 100-ton haul trucks, (1) Cat D-10 dozer, (2) Cat D8 dozers, (2) Cat D7 dozers, (2) Cat D6 dozers, (4) 40-ton articulating trucks, excavators, graders, water trucks, and service trucks.
- CCU met with the Coshocton County Engineer, Fred Wachtel on September 15, 2020 to discuss hauling plans. Traffic control will include installing 5 sets of road signs for protection of the travelling public. There will be 3 sets placed at entrances to the Five Points intersection and 2 sets (North and South) at the SR 83 crossing. Flaggers will be utilized at the Five Points crossing.
- Permit application for crossing SR 83 has been submitted to Ohio Department of Transportation (ODOT) and is expected to be issued in late September 2020.
- AML beneficial use permit renewals/modifications will be submitted to ODNR for both the Conesville Phase III Areas and CCU Coal Refuse Area highwall reclamation sites, with permit issuance expected before December 31, 2020.
- Work will be performed one shift per day, five to six days per week.
- The work will be initiated with mobilization and site preparation including pumping water from the Ash Pond System.
- Trees will be trimmed along haul routes as needed.
- Over-hanging trees and loose rock along highwalls will be removed to establish safe working areas.
- Final cover soil will be removed from the FGD Landfill and hauled to a designated area for temporary storage.
- Initially FGD Landfill material will be transported to the SR 83 Landfill with initial work concentrated on building perimeter berms.
- Following berm construction, FGD Landfill material placement will alternate between the SR 83 Landfill, the AML Reclamation Areas and the CCU Coal Refuse Area, where material placement rate limits will be manageable at each site to assure that each placement area will be properly operated and will maintain compliance with permitted operational requirements.
- FGD material will be mixed with excavated fly ash for stabilization, as needed, prior to ash transport.
- Once the SR 83 Landfill, AML Reclamation Areas and CCU Coal Refuse Area are filled to the permitted final elevations, each site will be capped in accordance to the approved permit plans and specifications.

(7) The location of the proposed activities specified on a USGS 7.5-minute topographical map with a scale of one inch equals no greater than two hundred feet.

Figure 1 provides the FGD Landfill location on a USGS 7.5-minute topographical map, Figure 2 shows the FGD Landfill topographic contours at a scale of 200 feet, Figure 3 shows the FGD Landfill and the FGD material placement areas, and Figure 4 provides the FGD Landfill

approximate limits of waste with a 300-foot offset.

(8) A description of the manner in which the integrity of the waste placement and the ancillary structures will be preserved where the chapter 513 activities will occur in areas within three hundred feet of the limits of waste placement.

The FGD Landfill does not have a leachate collection system or gas collection system due to the characteristics of the waste material. Surface water management is controlled with grass-lined stormwater channels and relatively low side slope grades. Final site grading will route storm water to regulated outfalls in accordance with the facility's National Pollutant Discharge Elimination System (NPDES) permit.

Clayey soils that cover the FGD Landfill will be stripped and transported to the operating residual waste landfill (SR 83 Landfill), where the soils will be used to construct the final cover system upon reaching final waste grades.

Temporary excavation slopes created during removal of FGD material and fly ash within 300 feet of the FGD Landfill will be in accordance with OSHA standards and specific site conditions. Permanent excavation slopes will be no greater than 3 horizontal to 1 vertical (3H:1V). For areas that will receive fill to establish final grades, the fill material will be compacted appropriately.

The material removed from the FGD Landfill will be placed and compacted within the AML Reclamation Areas, CCU Coal Refuse Area, or the SR 83 Landfill in accordance with the specific project criteria.

(9) A description of the manner in which air emissions, leachate, surface water run-on and runoff, and explosive and toxic gas migration will be controlled, and how ground water will be protected.

The FGD Landfill material is not subject to becoming wind borne emissions as determined by geotechnical drilling of nine borings and laboratory testing of approximately 70 samples collected during subsurface borings and associated laboratory testing program completed in June 2020. Based on the developed laboratory testing data, the average moisture content of the FGD samples is about 74 percent and the material is characterized as relatively plastic. These material properties are indicative of a material that will not generate high contents of air borne particulate matter during excavation and transport to the SR 83 Landfill, AML Reclamation Areas or CCU Coal Refuse Area. The site excavation areas, haul roads, and placement areas will be monitored for visual dust emissions in compliance with the facility's air permit. Where necessary, watering of dry surfaces will be performed to control dust emissions.

Leachate and contact water within the landfill footprint will be routed to the adjacent ash ponds and will be monitored and discharged in compliance with the facility's current NPDES permit. In addition, a construction stormwater Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the excavation activities. Best management practices, including erosion and sedimentation controls, will be employed during the construction activities.

The FGD Landfill does not generate explosive or toxic gases, therefore no associated controls are planned.

Because the FGD Landfill was not constructed with a low permeability liner or leachate collection system, groundwater will be protected by removing the FGD Landfill contents. In addition, there is a significant monitoring well network for the Ash Pond System, which monitors groundwater downgradient of the FGD Landfill. The ash pond well network is monitored regularly as part of the CCR Rule criteria. Any changes in groundwater quality associated with the FGD Landfill closure by removal will be apparent in the monitored groundwater quality data.

(10) A description of all institutional controls that apply to the facility.

A closure plat for the FGD Landfill was recorded in December 2018 and is provided in Appendix A.

Following closure by removal of the FGD Landfill, CIP will record a notation on the deed of the property or another instrument that is normally examined during title search. The deed notation shall notify in perpetuity to any potential purchaser of the property that the land has been used as a solid waste disposal facility and that use of the property is restricted. The deed notation shall include the following information:

(a) The acreage impacted by the chapter 513 activities.

(b) The following, if known:

(i) The location of the waste.

(ii) The depth of the waste.

(iii) The volume of the waste.

(iv) The nature of waste.

Once officially recorded, the deed with notation will be submitted to Ohio EPA as an Addendum to the Rule 513 certification report required in OAC 3745-513-370.

(11) Certification that the proposed chapter 513 activities will be conducted in compliance with all applicable state and federal rules and laws.

CIP has provided a statement in Appendix B stating that the chapter 513 activities will be conducted in compliance with all applicable state and federal rules and laws.

(12) Copies of mail receipts and a statement certifying that letters of intent to obtain an authorization pursuant to this chapter have been sent to the following entities:

(a) The local board of health.

(b) The local governments of the general purpose or political subdivisions where the site is located, including the county commissioners and the legislative authority of a municipal corporation or the board of township trustees, as applicable.

(c) The local zoning authority having jurisdiction over the geographical area where the site is located, if any.

(d) If the site is a solid waste facility, the single or joint county solid waste management district.

(e) The local fire department.

Copies of Letters of Intent and certified mail tickets/receipts to the Coshocton County Health Department, the Coshocton County Commissioners, the Mayor of Coshocton, the Village of Conesville, Franklin Township Trustees, and the Conesville Fire Department are provided in Appendix C.

(13) The name, address, and telephone number of the person to contact for additional information regarding the chapter 513 activities at the facility.

Additional information regarding the FGD Landfill closure by removal project are available from the following personnel:

Pete Hartung – Conesville Industrial Park, LLC (716) 237-0301 (phartung@fic-services.com)

Tony Amicon – Civil & Environmental Consultants, Inc. (513) 218-0366 (tamicon@cecinc.com)

(14) A signature in accordance with rule 3745-500-50 of the Administrative Code.

A signed statement in accordance with OAC 3745-500-50 is provided in Appendix B of this Rule 513 Application.

(15) The seal of the professional engineer responsible for preparation of the plans, specifications, and information submitted as part of the application if the scope of the chapter 513 activities proposed in the application constitutes the practice of engineering pursuant to Chapter 4733. of the Revised Code.

Figure 5 – Excavation Plan, Figure 6 – Cross Section A-A' and Figure 7 – Cross Section B-B' are sealed by a professional engineer licensed in the State of Ohio.

(16) An explanation of how the applicant will maintain the integrity of facility components and ancillary structures, or repair or replace facility components and ancillary structures that may be adversely affected by the chapter 513 activities proposed in the application.

The closed FGD Landfill will be entirely removed as part of the closure by removal of the Ash Pond System at the Conesville Plant. There will be no remaining landfill components or ancillary structures following FGD Landfill removal activities. Areas near the perimeter of the landfill removal activities, where the existing ground surface will be above the excavated elevations of the landfill, will be protected from instability by maintaining a 3H:1V or flatter permanent slope.

(17) If proposed to be incorporated into the facility design as part of the chapter 513 activities, a description of the following:

(a) The explosive gas monitoring system.

Not applicable, the FGD Landfill does not generate explosive gases.

(b) The settlement and slope stability analysis.

Settlement is not applicable because the closure by removal project is a net removal of current material. Temporary excavation slopes during removal of FGD material will be in accordance with OSHA standards and site conditions. Permanent excavation and fill slopes will be no greater than 3H:1V.

(c) The enhanced final cap system.

Not applicable, the FGD Landfill cap system and landfilled FGD material will be completely removed.

(d) The spray-applied membrane.

Not applicable.

(e) Surface water management.

Final grades following complete removal of the FGD Landfill material will route storm water to regulated outfalls in accordance with the facility's NPDES permit.

(f) Leachate management.

CIP is proposing to complete the removal of the landfill cap in a phased approach as shown on the enclosed Figure 5 that will include Phases 1 through 4. Phase 5 underlies Phases 1 through 4 and includes the remaining waste following complete removal of the FGD Landfill cap (see cross sections on Figures 6 and 7). This phased excavation plan will reduce the volume of contact water generated by delaying removal of the landfill cap as long as possible during the landfill removal process.

Figure 5 provides anticipated flow paths for stormwater/contact water during the FGD Landfill closure by removal project. Beginning with Phase 1, each cap removal phase will be excavated from northeast to southwest. Initially, the bottom of excavation in each phase will be constructed to allow stormwater/contact water to gravity drain to the Ash Pond Complex, entering the complex at Ash Ponds 1 and 2 as shown on Figure 5. Water discharging from the Ash Pond Complex is routinely monitored and reported to Ohio EPA under the existing National Pollution Discharge and Elimination System (NPDES) Permit No. OIB00013*MD. In addition, CIP is preparing a construction stormwater NPDES general permit (OHC000005) Notice of Intent

(NOI) and Stormwater Pollution Prevention Plan (SWPPP) for the construction activities at the FGD Landfill closure by removal project. The SWPPP includes erosion and sedimentation controls and regular inspection documentation forms that will be completed and maintained on-site. The SWPPP will be modified, if needed, based on applicable changes to the project stormwater management process.

The excavation activities in each active phase will begin with the removal of the clay cap. The clay cap material will be visually screened for FGD contamination and then placed in a clean stockpile located in the northwest area of SR 83 Landfill. The SR 83 Landfill Stormwater Pollution Protection Plan (SWPPP) will be updated to include erosion and sedimentation controls for the FGD Landfill cap soils stockpile and associated inspections of these controls. Once the clay cap has been removed, CIP will then begin removal of the FGD material from the active phase.

Excavation of the FGD material will be limited to cuts of around 5 to 7 feet in height. Each cut will be constructed so that excavation equipment and haul trucks have a large enough area to work safely. Temporary cut faces will be sloped approximately 2H:1V. The excavation equipment will traverse the cut face in the active phase to attain the lowest grade that will promote gravity drainage to the Ash Pond Complex as discussed previously. Upon reaching the achievable grade, excavation will move to the next phase area. Once the FGD material has been excavated in the first four phases to attain gravity flow to the Ash Pond Complex, excavation will then proceed below the perimeter berm elevations (Phase 5 excavation). The berm that is located between the FGD Landfill and the Ash Pond Complex will be lowered as excavation activities progress south to promote drainage to the Ash Pond Complex (Ash Ponds 1 and 2) to the east and CIP will also install temporary sumps and pumps to manage contact water until the FGD Landfill material is completely removed. The sumps will be moved as needed to collect and pump stormwater/contact water to the Ash Pond Complex. Final excavation side slopes will be 3H:1V.

There will be no leachate production following complete removal of the FGD Landfill material. Precipitation runoff within the landfill footprint will be routed to the ash ponds and will be monitored and discharged in compliance with the facility's current NPDES permit and the site specific SWPPP. Best management practices, including erosion and sedimentation controls, will be.

(g) Vector controls.

Vectors are not attracted to the FGD Landfill material, thus vector controls are not necessary.

(h) Odor controls.

Odors are not generated by the FGD Landfill materials, thus odor controls are not necessary.

(i) Facility access roads.

Existing haul roads will be maintained throughout the closure by removal project.

(j) Any other system, design, or component proposed to be included, upgraded, or updated as part of the chapter 513 activities.

The closure by removal activities will remove all existing components of the FGD Landfill. Following complete removal, the area will be graded to promote positive drainage and will be seeded to minimize erosion. Figure 5 provides the excavation plan contours. Figures 6 and 7 are cross section views of the approximate excavation plan grades.

(18) Information regarding any financial assurance or environmental covenants for the facility, if applicable.

A financial assurance estimate for capping the FGD Landfill is provided in Appendix E.

~~There are no financial assurance or environmental covenants applicable to the FGD Landfill.~~

(19) Any additional information required by the director.

The FGD Landfill excavation will terminate upon reaching visually clean native soils beneath the landfill base. CIP will contract a third-party engineer to evaluate and document visual clean termination. TCLP testing will be completed on seven composite samples of any visually impacted native soils excavated for closure by removal prior to transport to the SR 83 Landfill or the Five Points Abandoned Mine Lands (AML) Reclamation Area. If the visually impacted native soils do not meet the waste acceptance criteria for the SR 83 Landfill or the AML Reclamation Area, the material will be transport to an appropriately licensed waste disposal facility.

The anticipated schedule for closure by removal of the FGD Landfill is provided in Appendix F. The anticipated start date is mid-December 2020 and the projected completion date is early January 2023 based on the removal volumes provided in Table 1 in Appendix F.

~~CIP will provide additional information if requested by the Director.~~

(B) Additional criteria for modern facilities. In addition to the information required by paragraph (A) of this rule, any person proposing to engage in chapter 513 activities at a modern facility shall include the following in the application for authorization:

Section (B) of OAC 3745-513-300 is not applicable to the FGD Landfill that was closed in 1988.

3.0 OAC 3745-513-350

3745-513-350 Implementation requirements for modern and historic facilities.

Any person engaging in Chapter 513 activities shall comply with the following:

(A) Perform Chapter 513 activities in accordance with Chapters 3704, 3734, and 6111 of the Revised Code and the rules adopted thereunder.

Closure by removal of the FGD Landfill will comply with the requirements of the Conesville Plant Title V air permit and NPDES surface water permit and SWPPP. The solid waste landfill permit post closure monitoring and reporting was completed in November 2018. The FGD Landfill material is relatively plastic with a high in-place moisture content, and thus will not generate high contents of air borne particulate matter during excavation and transport to the SR 83 Landfill, the AML Reclamation Area or the CCU Coal Refuse Area. Excavation areas, haul roads and placement areas will be monitored for visual emissions and watering will be applied as needed to control dust emissions. Precipitation runoff within the landfill footprint will be routed to the ash ponds and will be monitored and discharged in compliance with the facility's current NPDES permit. Best management practices, including erosion and sedimentation controls, will be employed.

(B) Perform Chapter 513 activities in a manner that prevents migration of leachate, explosive gas, or toxic gas from the facility.

Leachate and contact water within the landfill footprint will be routed to the ash ponds and will be monitored and discharged in compliance with the facility's current NPDES permit. Best management practices, including erosion and sedimentation controls, will be employed. The FGD Landfill does not generate explosive or toxic gases.

Because the FGD Landfill was not constructed with a low permeability liner or leachate collection system, groundwater will be protected by removing the FGD Landfill contents. In addition, there is a significant monitoring well network for the Ash Pond System, which monitors groundwater downgradient of the FGD Landfill. The ash pond well network is monitored regularly as part of the CCR Rule criteria. Any changes in groundwater quality associated with the FGD Landfill closure by removal will be apparent in the monitored groundwater quality data.

(C) Excavation of waste.

(1) Excavation of waste shall not occur unless the waste is managed in accordance with any of the following:

(a) The waste is replaced within previously existing horizontal limits of waste placement.

(b) The waste is treated at a licensed or permitted treatment facility in accordance with Chapter 3734. of the Revised Code.

(c) The waste is disposed of at a licensed or permitted disposal facility in accordance with Chapter 3734. of the Revised Code.

The material within the FGD Landfill will be completely removed in conjunction with closure by removal of the ash pond impoundments at the Conesville Plant. The excavated FGD material will be either beneficially used to reclaim abandoned surface mine highwalls in the AML Reclamation Areas or the CCU Coal Refuse Area, or will be placed in the SR 83 Landfill. ORC Title 15, Chapter 1513, Section 1513.02(A)(7) states that the Chief of the ODNR DMRM shall regulate the beneficial use of CCRs at coal mining and reclamation operations and abandoned mine lands, including performance standards in ORC 1513.16. The beneficial use of CCRs is not subject to the following provisions of ORC Chapters 3734. and 6111. and rules adopted under those provisions, including:

- (i) Permit and license requirements for solid waste facilities established under sections 3734.02 and 3734.05 of the Revised Code;
- (ii) The prohibition against the open dumping of solid wastes established in section 3734.03 of the Revised Code;
- (iii) Solid waste generation and disposal fees established under sections 3734.57 to 3734.574 of the Revised Code;
- (iv) Permit to install and plan approval requirements established under sections 6111.03, 6111.44, and 6111.45 of the Revised Code.

CIP will prepare FGD Landfill Excavation and Placement Quarterly Reports which will include the following information:

- Quarterly and cumulative waste excavation quantities;
- Approximate percentage of landfill waste removal using a baseline survey that was completed in October 2020 followed by quarterly survey to determine volume of FGD material removed;
- Acreage of exposed waste in each excavation phase (Phases 1 through 5) and cumulative acreage of exposed waste (by survey as described above);
- Quarterly and cumulative placement quantities by location [SR 83 Landfill, the Five Points Phase III AML Reclamation Areas (East and West) and/or the CCU Coal Refuse Area]. A baseline survey of the SR 83 Landfill and Five Points Reclamation Areas were completed in October 2020 which will be compared to quarterly surveys to determine volumes and areas filled. A baseline survey of the CCU Coal Refuse Area will be completed once the area has been permitted and prepared for the proposed reclamation construction; and,
- Approximate percentage of airspace filled and remaining by location [SR 83 Landfill, the Five Points Phase III AML Reclamation Areas (East and West) and/or the CCU Coal Refuse Area, by survey as described above.

Quarterly reports will be submitted to Ohio EPA and the Coshocton County Health Department within 30 days following the end of each quarter once excavation begins.

(2) Solid waste or hazardous waste removed during the chapter 513 activities shall be stored in accordance with Chapters 3734 and 6111 of the Revised Code until such time as these materials are properly evaluated and treated or disposed in accordance with Chapters 3734 and 6111 of the Revised Code and the rules adopted thereunder.

FGD material excavated from the FGD Landfill will be transported directly to the beneficial use or landfill areas. At some times, the FGD material may be mixed with dry fly ash for bulking or stabilization purposes prior to transport to the placement areas. If needed, mixing of FGD and fly ash will occur in one of the dewatered ash ponds in an area that drains directly to the Ash Pond System, which is monitored in compliance with the Conesville Plant NPDES permit.

An extensive subsurface boring program at the FGD Landfill was completed in June 2020 which consisted of nine borings through the landfill cap that were advanced through the base of the landfill and into the underlying native soils. Sample collection ranged from 2.5 to 5-foot intervals. None of the collected waste samples encountered non-coal combustion residual (non-CCR) waste overlying natural soil. Thus, it is unlikely that non-CCR waste will be encountered during excavation of the FGD Landfill.

However, in the event the non-CCR waste is encountered during excavation of the FGD Landfill material, CIP will segregate the non-CCR waste material by placing it in a temporary storage area within the landfill excavation that will be contained using berms and tarps. Representative composite samples of the non-CCR waste material will be collected for laboratory testing to determine the waste characteristics. Tarps will be placed beneath and completely covering the non-CCR waste in the temporary storage area. Composite samples will be collected randomly and will undergo RCRA hazardous waste characterization testing defined in 40 CFR part 261 subpart C (ignitability, corrosivity, reactivity and toxicity). Non-CCR waste material will be properly containerized and transported to a licensed municipal solid waste landfill or hazardous waste landfill based on hazardous waste characterization laboratory results. Complete documentation of the encountered waste locations, quantities, temporary storage area location, waste sampling procedures, sampling dates, laboratory analytical results, transportation containerization methods, transportation manifests and receiving landfill locations will be documented and submitted to Ohio EPA.

(3) Liquid waste released during the chapter 513 activities shall be stored in accordance with Chapters 3734 and 6111 of the Revised Code until such time as the waste is properly evaluated and treated or disposed in accordance with Chapters 3734 and 6111 of the Revised Code and the rules adopted thereunder.

Precipitation runoff within the landfill footprint will be routed to the ash ponds and will be monitored and discharged in compliance with the facility's current NPDES permit. Best management practices, including erosion and sedimentation controls, will be employed.

(4) If excavation occurs outside the limits of waste placement at the site, the material used to backfill the excavated areas shall not consist of solid or hazardous waste.

Following complete removal of the FGD, the excavated areas will be graded to promote positive drainage and will be seeded to minimize erosion. The material used to achieve final grades will be on-site non-waste soils or imported soil that is not solid or hazardous waste. Figure 5 provides the excavation plan contours. Figures 6 and 7 are cross section views of the approximate excavation plan grades.

(D) If solid waste or hazardous waste are to be removed from the facility, an evaluation of the material shall be performed and submitted to Ohio EPA prior to removal of the waste. The evaluation may include sample analysis results and shall include the following:

The FGD Landfill subsurface exploration program was completed in June 2020, which included nine borings shown on Figure 2. The purpose of the subsurface exploration program was to obtain samples for geotechnical and chemical laboratory testing of the FGD material. A Rule 513 Application for the subsurface investigation was approved by Ohio EPA SEDO. Each boring was advanced through the entire thickness of FGD material and samples were collected at 2.5 feet to 5.0 intervals. Representative FGD material samples were shipped to the AEP Dolan Laboratory for TCLP leaching with deionized water (SW846 Modified 1311-1992). Table 1 provides the analytes tested, laboratory analytical results, and comparison to the SR 83 Landfill and AML Reclamation Area acceptance criteria. All of the analytical results are within the acceptance criteria. These results will be included in a 2020 Annual Waste Characterization Report submitted to Ohio EPA for the SR 83 Landfill and a Quarterly Waste Characterization Report submitted to ODNR for the AML Reclamation Areas.

(1) The selected treatment or disposal method.

Disposal at the SR 83 Landfill will follow the procedures in the PTI Operations Plan. An annual landfill operations report which describes the disposal areas, inspections and testing is submitted to Ohio EPA each year.

Disposal at the AML Reclamation Areas and the CCU Coal Refuse Area will follow the plans and specification contained in the beneficial use permits issued by the ODNR. An annual report is also prepared that describes the disposal process, quantities and inspections for the AML Reclamation Areas, which is submitted to ODNR each year. The CCU Coal Refuse Area fill information is updated on annual mine map updates that are also submitted to ODNR.

(2) A copy of a letter of acceptance from a treatment or disposal facility.

The SR 83 Landfill and Conesville Five Points AML Reclamation Areas, which are owned by CIP, have permit approvals from Ohio EPA and ODNR, respectively. Therefore, a letter of acceptance is not applicable.

The CCU Coal Refuse Area permit, issued by ODNR, is currently approved to accept FGD. The permit is being modified to accept pond ash from the Conesville Plant. Following approval of the permit modification, a letter of acceptance from CCU will be submitted to Ohio EPA.

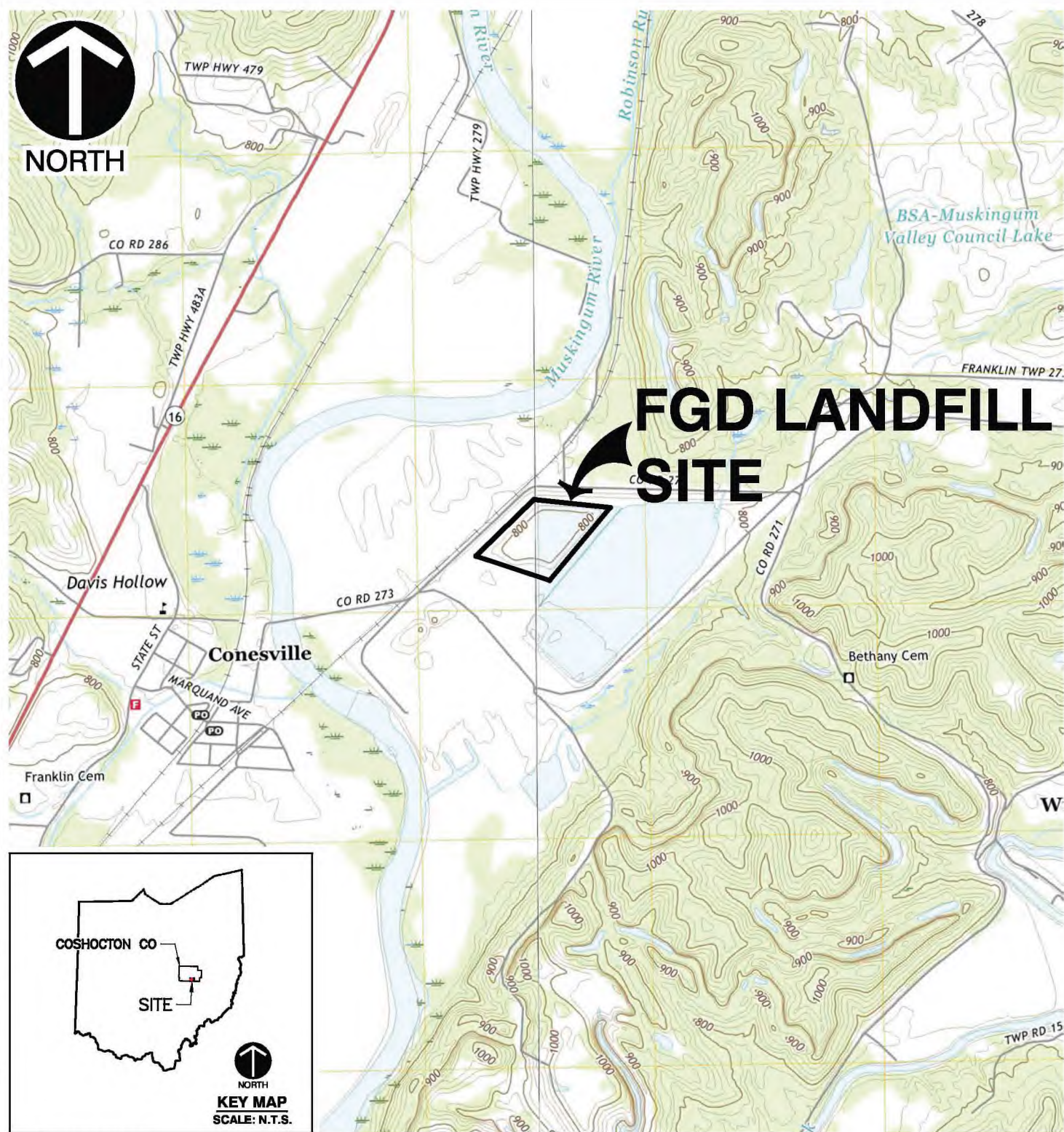
(E) Upon completion of the chapter 513 activities, restore the facility cap to the condition specified in the provisions of Chapter 3734 of the Revised Code and the rules adopted thereunder as they

were applicable at the time the owner or operator of the facility originally submitted certification of closure. If certification was never submitted, the facility cap shall be restored to the condition specified in the provisions of Chapter 3734 of the Revised Code and the rules adopted thereunder as effective at the time the facility was required to close, unless otherwise specified in the application or required by the director.

The FGD material within the FGD Landfill will be entirely removed so the facility cap will not need to be replaced.

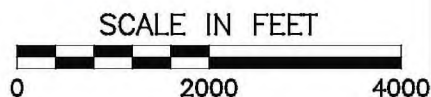
FIGURES

\\syr-cinc\projects\2019\196-318\196-318-CADD\DWG\GTD1\196318-GTD1-Boring Location Rev20200925.dwg{1} LS:(9/25/2020 - docx) - LP: 9/25/2020 3:45 PM



REFERENCE

1. U.S.G.S. 7.5' TOPOGRAPHIC MAPS, CONESVILLE QUADRANGLE, OH DATED 2019 AND WILLS CREEK QUADRANGLE, OH DATED 2019.



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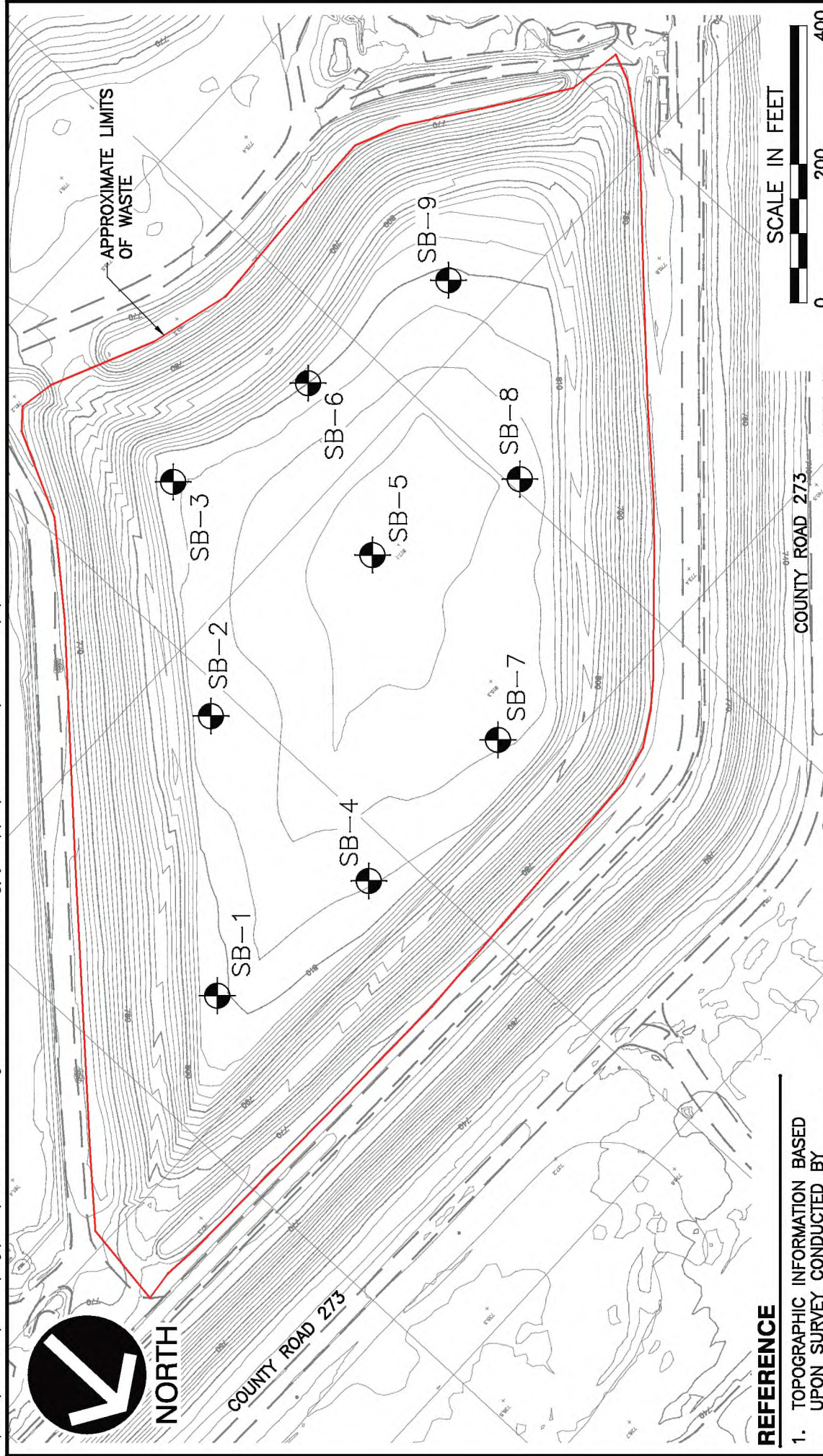
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**CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCTON COUNTY, OHIO**

SITE LOCATION MAP

DRAWN BY:	PAB	CHECKED BY:	RAS	APPROVED BY:	APA*	FIGURE NO.:	1
DATE:	MAY 2020	DWG SCALE:	1"=2,000'	PROJECT NO:	196-318		

*Hand Signature on file



REFERENCE

1. TOPOGRAPHIC INFORMATION BASED UPON SURVEY CONDUCTED BY HENDERSON AERIAL SURVEYS, INC. IN NOVEMBER 12, 2016.

LEGEND

---	EXISTING ROADWAY
---	EXISTING CONTOUR
---	800
---	APPROXIMATE LIMITS OF WASTE
SB-7	SOIL BORING LOCATION AND NUMBER



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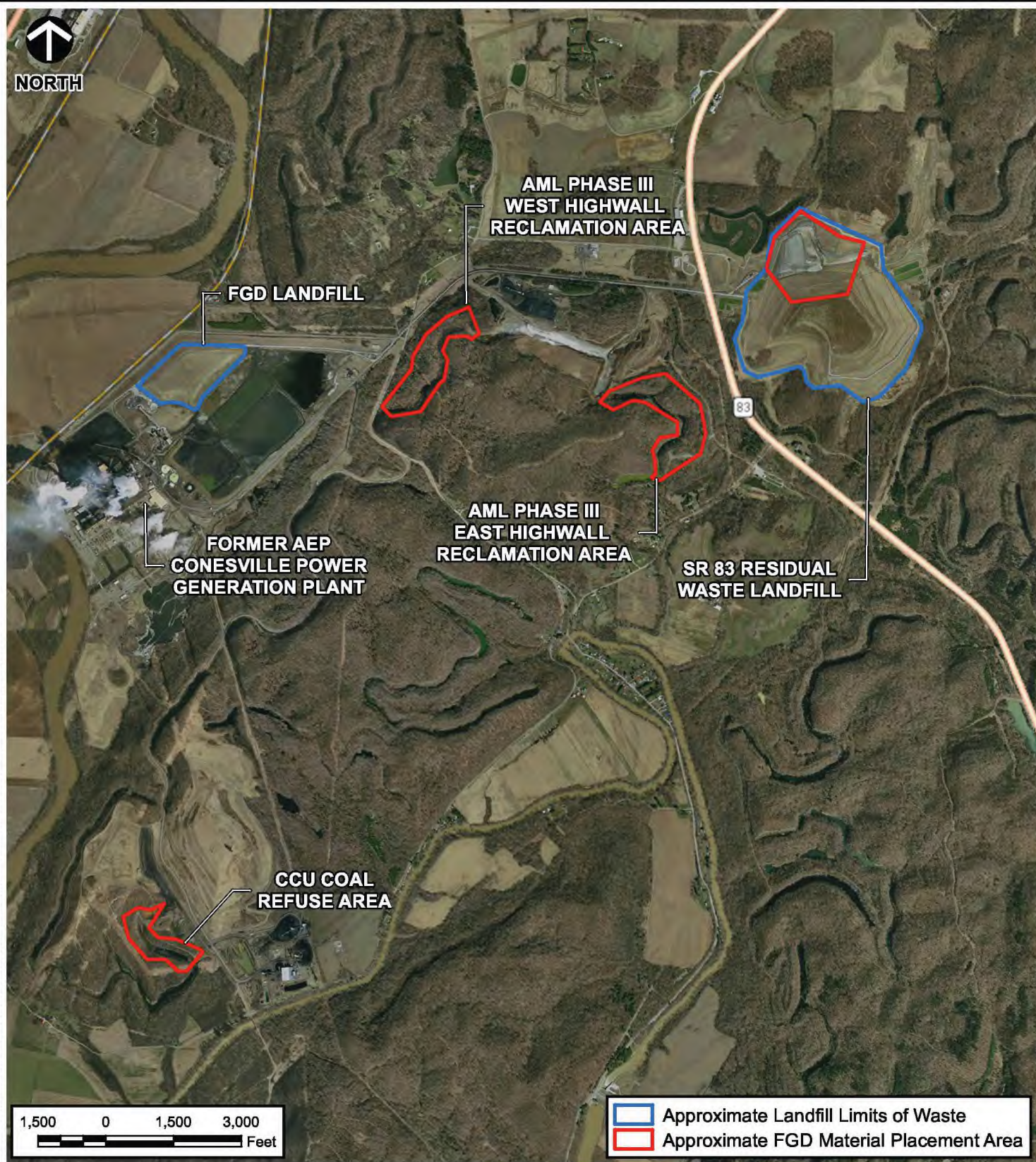
FGD LANDFILL TOPOGRAPHY

DRAWN BY: PAB | CHECKED BY: DSC | APPROVED BY: APA* | FIGURE NO.: 2

DATE: MAY 2020 | DWG SCALE: 1"=200' | PROJECT NO: 196-318

*HAND SIGNATURE ON FILE

\\srv-dm\projects\2019\196-318-GIS\196318_WM01_Fig3_WastePlacementAreas.mxd - 11/4/2020 - 11:29:56 AM (mkramer)



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COSHOCTON COUNTY, OHIO**

FGD MATERIAL PLACEMENT AREAS

DRAWN BY:	MHS	CHECKED BY:	RAS	APPROVED BY:	APA*	FIGURE NO:
DATE:	NOVEMBER 04, 2020	DWG SCALE:	1" = 3,000'	PROJECT NO:	196-318	3

Signature on File *



NORTH

REFERENCES AND NOTES
1. OSIP II 2014 COUNTY MOSAIC



LEGEND

- APPROXIMATE LIMITS OF FGD LANDFILL
 300' OFFSET

SCALE IN FEET

0 250 500 1,000

APPROXIMATE SITE LOCATION



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FGD LANDFILL LIMITS OF WASTE AND
300 FOOT OFFSET

DRAWN BY:	MAK	CHECKED BY:	RAS	APPROVED BY:	APA*	FIGURE NO:
DATE:	11/4/2020	SCALE:	1" = 500'	PROJECT NO:	196-318	4

*Hand Signature on file

\\MKRAMER\Share\Temp\196-318\Map\FGD\196318_FGD_Fig4_SiteOverview.mxd 11/4/2020 11:20 AM (mkramer)



NORTH

GENERAL NOTES

1. THE PURPOSE OF THIS EXCAVATION PLAN IS TO SHOW THE APPROXIMATE LIMITS OF THE EXCAVATION NECESSARY TO REMOVE THE RESIDUAL WASTE WITHIN THE CONESVILLE FGD LANDFILL THAT IS CURRENTLY CLOSED. THE ACTUAL LIMITS AND DEPTHS OF THE EXCAVATIONS MAY BE DIFFERENT THAN DEPICTED BY THIS PLAN AND WILL BE BASED ON ACTUAL FIELD CONDITIONS.
2. THE BOTTOM OF WASTE ELEVATIONS WITHIN THE CENTRAL AREA OF THE LANDFILL WAS INTERPOLATED USING THE DATA OBTAINED FROM THE SUBSURFACE EXPLORATIONS PERFORMED BY CEC BETWEEN 6/2/2020 AND 8/15/2020. THE BOTTOM OF WASTE ELEVATIONS AROUND THE PERIMETER OF THE LANDFILL ARE AN APPROXIMATION FROM AVAILABLE INFORMATION.
3. IT HAS BEEN ASSUMED THAT A 3 HORIZONTAL TO 1 VERTICAL SLOPE OR FLATTER WILL EXTEND FROM THE BOTTOM OF THE EXCAVATION TO THE LANDFILL PERIMETER.
4. SEE FIGURE NO. 6 & 7 FOR THE APPROXIMATE SUBSURFACE EXCAVATION LIMITS ALONG CROSS SECTION A-A' & B-B'.

REFERENCE

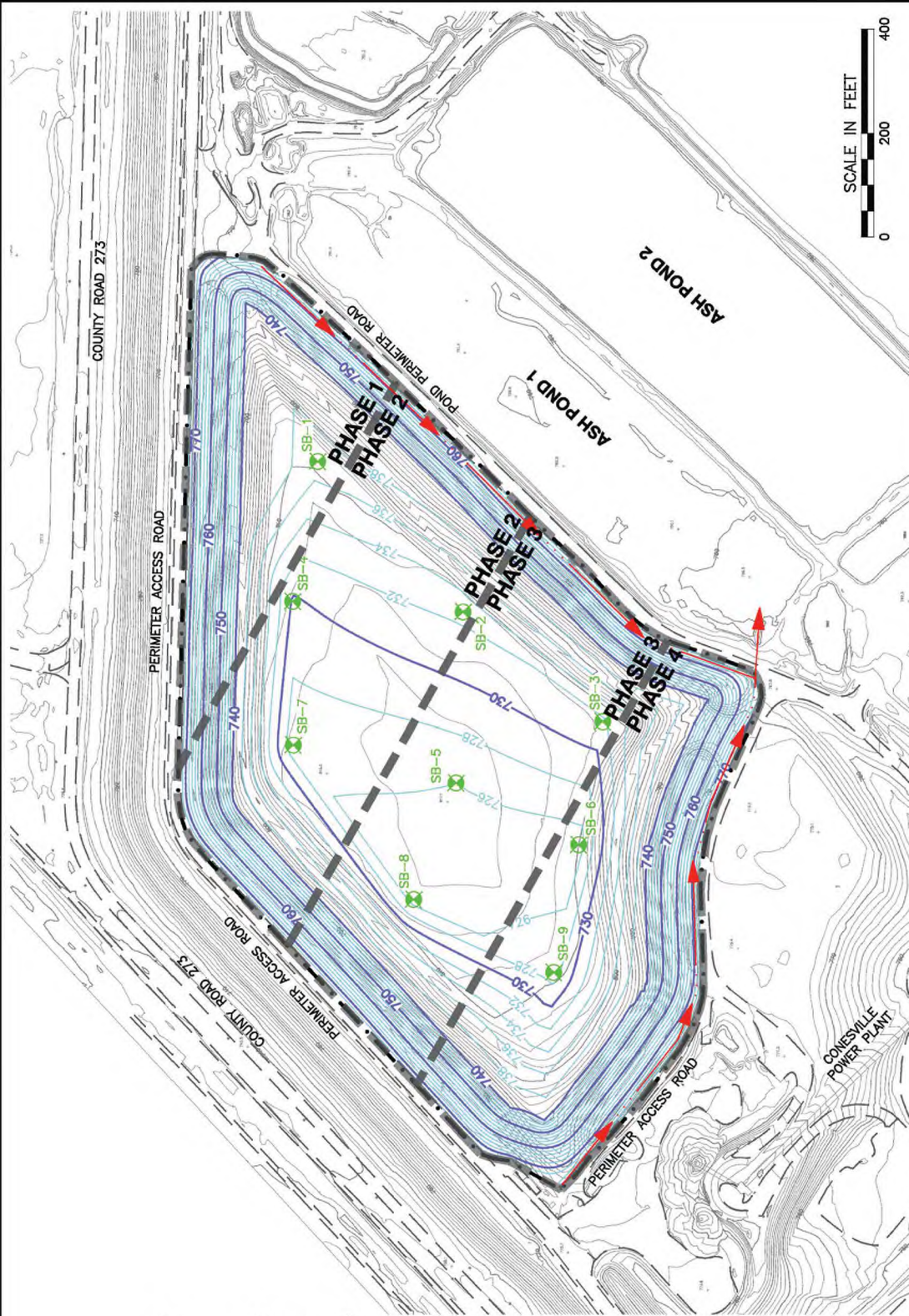
1. TOPOGRAPHIC INFORMATION BASED UPON SURVEY CONDUCTED BY HENDERSON AERIAL SURVEYS, INC. IN NOVEMBER 12, 2016.
2. THIS EXCAVATION PLAN WAS DEVELOPED UTILIZING THE BORING DATA CONTAINED IN THE GEOTECHNICAL DATA REPORT PREPARED BY CEC DATED AUGUST 3, 2020.

LEGEND

- SB-7 SOIL BORING LOCATION AND NUMBER
- 800 EXISTING TOPOGRAPHY CONTOUR
- 574 PROPOSED BOTTOM OF EXCAVATION CONTOUR
- APPROXIMATE LIMITS OF LANDFILL
- STORMWATER/CONTACT WATER FLOW

REVISION RECORD

NO	DATE	DESCRIPTION
1	11/02/2020	ADDED PHASED EXCAVATION AND STORMWATER/CONTACT WATER FLOW DIRECTIONS

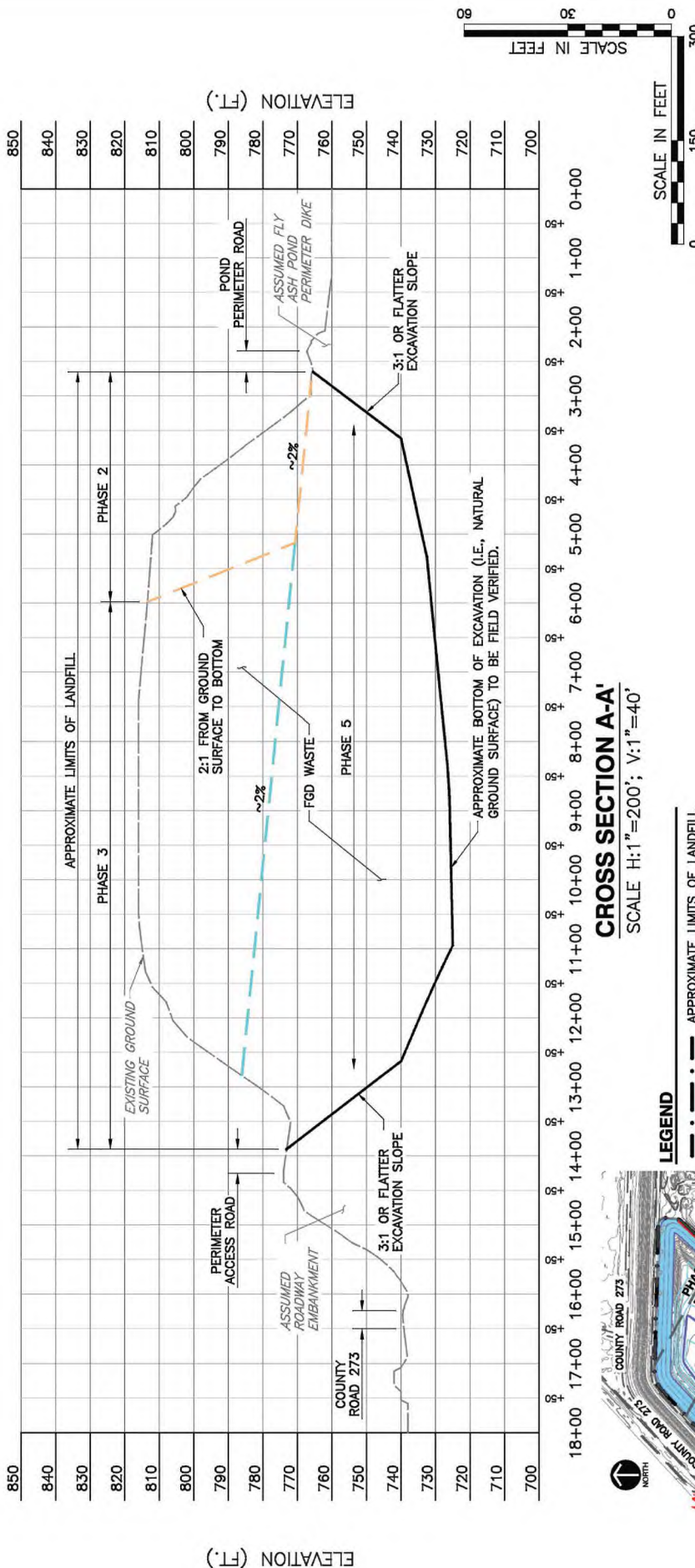


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FGD LANDFILL CLOSURE BY REMOVAL
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PHASED EXCAVATION PLAN

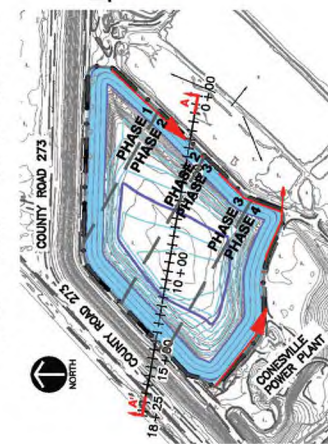
DRAWN BY: SMQ | CHECKED BY: RAS | APPROVED BY: APA | FIGURE NO.: 5
DATE: OCTOBER 2020 | DWG SCALE: 1"=200' | PROJECT NO: 196-318-0300

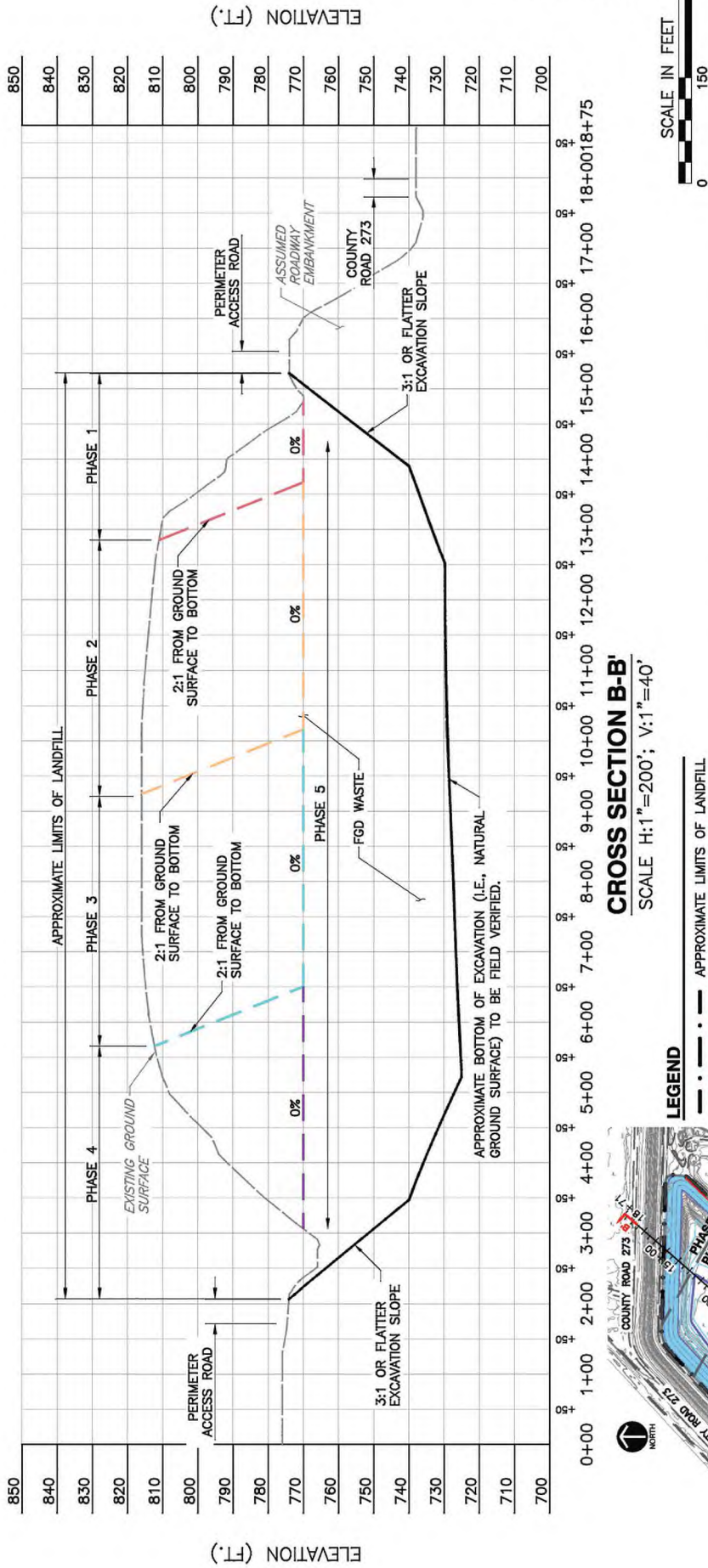


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CROSS SECTION A-A'

DRAWN BY: SMQ CHECKED BY: RAS APPROVED BY: APA
 DATE: OCTOBER 2020 DWG SCALE: AS SHOWN PROJECT NO: 196-318-0300



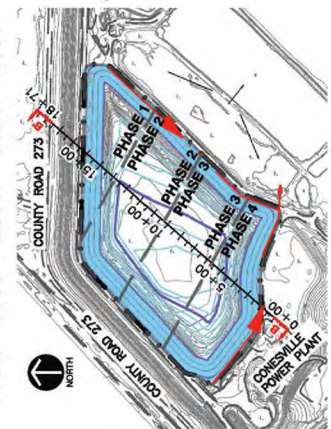


CROSS SECTION B-B'

SCALE H:1"=200'; V:1"=40'

LEGEND

- APPROXIMATE LIMITS OF LANDFILL
- ↑ B B' ↑ CROSS SECTION LOCATION



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CROSS SECTION B-B'

DRAWN BY: SMQ **CHECKED BY:** RAS **APPROVED BY:** APA **FIGURE NO.:** 7

DATE: OCTOBER 2020 **DWG SCALE:** AS SHOWN **PROJECT NO.:** 196-318-0300

TABLES

TABLE 1
FGD (Pozotec) Landfill TCLP Results
June 2020 Subsurface Sampling
Rule 513 Application for Closure by Removal
Conesville Industrial Park, LLC
CEC Project 196-318.0320

Parameter	Units	Landfill Limits	Class III	AML East-West	Max. Detected	Max. within 70% of Class III?	201881												SB6 60-75	SB6 20-21.5	SB4 77.5-79	SB4 60-61.5	6/9/2020	6/11/2020	6/11/2020	6/11/2020
							SB3 0-15 ft	SB3 15-16.5	SB3 35-36.5	SB3 65-66.5	SB4 30-31.5	SB4 30-45 ft	SB4 60-61.5	SB4 77.5-79	6/12/2020	6/12/2020	6/12/2020	6/12/2020								
Mod TCLP																										
Acidity, as CaCO3	mg/L				0		< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0				
Alkalinity, as CaCO3	mg/L				107		37.2	107	87.4	38.5	52.4	40.8	73.6	58.4	73.4	58.4	73.4	73.4	73.4	73.4	73.4	73.4				
Specific Conductance (@ 25° C)	umho/cm				2340		1970	578	616	1650	636	2260	584	729	1400	1060	1400	1400	1400	1400	1400	1400				
Residue, Filterable, TDS	mg/L				2400		1960	400	408	1510	448	2280	400	568	1220	830	1220	1220	1220	1220	1220	1220				
Aluminum, Al	mg/L				4.13		0.862	4.13	3.9	0.66	0.0375	0.274	2.73	2.04	0.868	2.02	0.868	2.02	2.04	2.73	2.04	0.0375				
Arsenic, As	mg/L	1.5	0.3		0	no	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Barium, Ba	mg/L	30	60		0.0605	no	0.0396	< 0.0200	< 0.0200	0.0411	0.0605	0.0318	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Beryllium, Be	mg/L				0		< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200					
Boron, B	mg/L				1.37		0.746	1.37	0.806	0.221	0.47	0.571	0.468	0.271	0.685	0.277	0.685	0.271	0.468	0.571	0.47					
Cadmium, Cd	mg/L	0.3	0.150		0	no	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200					
Calcium, Ca	mg/L				634		519	97.9	94.1	395	112	599	88.2	137	320	216	320	137	599	112	< 0.00200					
Chromium, Cr	mg/L	1.5	0.3		0	no	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500					
Chromium, Cr	mg/L				0.0194		< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100					
Copper, Cu	mg/L				0	no	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100					
Iron, Fe	mg/L	9			0	no	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Lead, Pb	mg/L	1.5	0.450		0	no	0.765	0.179	0.143	0.297	0.68	0.387	< 0.100	0.365	0.18	0.325	0.503	0.18	0.365	0.68	< 0.00200					
Magnesium, Mg	mg/L				0.765		< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200					
Manganese, Mn	mg/L	9			0	no	0.0112	0.0367	< 0.0100	< 0.0100	0.0157	< 0.0100	< 0.0100	0.0224	0.0125	0.0172	0.015	0.0224	< 0.0100	0.0157	< 0.0100					
Molybdenum, Mo	mg/L				0.121		< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100					
Nickel, Ni	mg/L				0		12.9	17.3	33.1	32.3	16.3	21.1	27.1	30.5	22.7	30	24.7	30.5	21.1	16.3	< 0.0500					
Potassium, K	mg/L				35.9		< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Selenium, Se	mg/L	0.3	1.0		0	no	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Silver, Ag	mg/L				0		< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Sodium, Na	mg/L	7500			15.1	no	4.3	8.28	9.5	8.13	9.32	9.21	7.4	10	15.1	6.96	10.1	10	9.21	9.32	< 0.0500					
Thallium, Tl	mg/L				0		< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Vanadium, V	mg/L				0.0311		< 0.0200	0.0242	< 0.0200	0.0244	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Zinc, Zn	mg/L				0.00693		< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500					
Mercury, Hg	mg/L	0.06	0.060		0	no	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020					
Hydrogen Ion (pH)	s.u.				10.86		9.7	10.59	10.81	10.19	10.44	9.75	10.74	10.68	10.77	10.37	10.68	10.77	10.74	10.44	10.19					
Chloride, Cl	mg/L	7500			31.5	no	2.79	12.1	13.5	14.6	25.2	11.1	9.75	20.3	31.5	12.7	31.5	20.3	11.1	25.2	< 0.150					
Fluoride, F	mg/L	120			0.489	no	< 0.150	0.293	0.264	< 0.150	0.489	< 0.150	0.176	0.153	0.191	< 0.150	< 0.150	0.176	< 0.150	0.489	< 0.150					
Sulfate, SO4	mg/L	7500			1920	no	1530	233	243	1210	268	1780	234	319	294	512	294	319	234	1780	268					

TABLE 1
FGD (Pozotec) Landfill TCLP Results
June 2020 Subsurface Sampling
Rule 513 Application for Closure by Removal
Conesville Industrial Park, LLC
CEC Project 196-318.0320

Parameter	Units	Landfill Limits	Class III	AML East-West	Max. Detected	Max. within 70% of Class III?	201881 (continued)										201908				
							SB7					SB9					SB1				
							SB7 15-30	SB7 20-21.5	SB7 55-56.5	SB7 75-76.5	SB9 32.5-34	SB9 55-56.5	SB9 75-76.5	SB-9 75-90	SB1 20-21.5'	SB1 45'-46.5'	SB1 45'-60'	SB1 67.5'-69'			
Mod TCLP							6/8/2020	6/8/2020	6/8/2020	6/8/2020	6/10/2020	6/10/2020	6/10/2020	6/15/2020	6/15/2020	6/15/2020					
Acidity, as CaCO3	mg/L				0		< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0					
Alkalinity, as CaCO3	mg/L				107		39.5	45.5	61.3	74.9	82	65.7	102	37.9	59.3	38					
Specific Conductance (@ 25° C)	umho/cm				2340		2320	2340	680	595	536	859	552	1470	741	530					
Residue, Filterable, TDS	mg/L				2400		2320	2370	482	386	342	666	354	1320	555	354					
Aluminum, Al	mg/L				4.13		0.446	0.557	2.03	1.92	1.71	1.32	2.1	0.594	1.88	1.22					
Arsenic, As	mg/L	1.5	0.3		0	no	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Barium, Ba	mg/L	30	60		0.0605	no	0.0328	0.0323	0.0309	0.0261	< 0.0200	0.0366	< 0.0200	0.0354	0.0229	< 0.0200					
Beryllium, Be	mg/L				0		< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200					
Boron, B	mg/L				1.37		0.418	0.345	0.574	0.435	0.376	0.887	0.333	0.391	0.604	0.228					
Cadmium, Cd	mg/L	0.3	0.150		0	no	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200					
Calcium, Ca	mg/L				634		617	634	122	84.7	73.4	160	71.3	346	138	74.4					
Chromium, Cr	mg/L	1.5	0.3		0	no	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500					
Copper, Cu	mg/L				0.0194		< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100					
Iron, Fe	mg/L	9			0	no	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100					
Lead, Pb	mg/L	1.5	0.450		0	no	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Magnesium, Mg	mg/L				0.765		0.291	0.275	0.253	0.112	< 0.100	0.193	< 0.100	0.295	0.173	< 0.100					
Manganese, Mn	mg/L	9			0	no	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Molybdenum, Mo	mg/L				0.121		0.01	< 0.0100	0.015	0.0125	0.0185	0.0168	0.0144	0.0227	< 0.0100	< 0.0100					
Nickel, Ni	mg/L				0		< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100					
Potassium, K	mg/L				35.9		29.6	30	24.1	35.9	33.7	26.2	34.4	34.2	18.4	26.4					
Selenium, Se	mg/L	0.3	1.0		0	no	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Silver, Ag	mg/L				0		< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200					
Sodium, Na	mg/L	7500			15.1	no	11.8	11.6	8.84	11.5	11.4	11.1	12.9	11	5.95	9.24					
Thallium, Tl	mg/L				0		< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500					
Vanadium, V	mg/L				0.0311		< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	0.024	< 0.0200	< 0.0200	0.0203	0.0206					
Zinc, Zn	mg/L				0.00693		< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	0.00693	< 0.00500					
Mercury, Hg	mg/L	0.06	0.060		0	no	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020					
Hydrogen Ion (pH)	s.u.				10.86		10.07	10.05	10.63	10.81	10.86	10.71	10.86	10.05	9.06	8.62					
Chloride, Cl	mg/L	7500			31.5	no	28	26	23.6	26.7	23	19.1	18.7	19.4	3.23	20.1					
Fluoride, F	mg/L	120			0.489	no	< 0.150	< 0.150	0.187	0.176	0.167	0.178	0.362	< 0.150	< 0.150	< 0.150					
Sulfate, SO4	mg/L	7500			1920	no	1820	1920	302	222	166	415	183	941	357	174					

TABLE 1
FGD (Pozotec) Landfill TCLP Results
June 2020 Subsurface Sampling
Rule 513 Application for Closure by Removal
Conesville Industrial Park, LLC
CEC Project 196-318.0320

Parameter	Units	Landfill Limits	Class III	AML East-West	Max. Detected	Max. within 70% of Class III?	201779												
							SB2 15-16.5 ft	SB2 35-36.5 ft	SB2 45-60 ft (cuttings)	SB2 60-61.5 ft	SB5 15-16.5 ft	SB5 15-30 ft (cuttings)	SB5 45-46.5 ft	SB5 65-66.5 ft	SB8 20-21.5 ft	SB8 30-45 ft (cuttings)	SB8 50-51.5 ft	SB8 75-76.5 ft	
							6/2/2020	6/2/2020	6/2/2020	6/2/2020	6/4/2020	6/4/2020	6/4/2020	6/4/2020	6/5/2020	6/5/2020	6/5/2020	6/5/2020	
Mod TCLP							< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	< 30.0	
Acidity, as CaCO3	mg/L				0		84.4	63.4	49.5	34.1	96.6	63.2	51.4	62.6	79.9	46.8	70.1	51.6	< 30.0
Alkalinity, as CaCO3	mg/L				107		516	531	1220	2310	486	633	1310	542	555	1020	606	1040	< 30.0
Specific Conductance (@ 25° C)	umho/cm				2340		360	376	1090	2400	352	486	1150	390	386	856	394	864	< 30.0
Residue, Filterable, TDS	mg/L				2400		3.23	1.9	0.719	0.635	3.29	2.72	1.4	1.45	2.16	1.14	2.93	0.637	< 30.0
Aluminum, Al	mg/L				4.13		< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 30.0
Arsenic, As	mg/L	1.5	0.3		0	no	< 0.0200	< 0.0200	0.0338	0.0392	< 0.0200	0.0321	0.0341	< 0.0200	0.0206	0.0396	< 0.0200	0.0458	< 30.0
Barium, Ba	mg/L	30	60		0.0605	no	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 30.0
Beryllium, Be	mg/L				0		0.667	0.389	0.452	0.211	0.565	0.947	0.557	0.217	0.439	0.644	0.456	0.425	< 30.0
Boron, B	mg/L				1.37		< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 30.0
Cadmium, Cd	mg/L	0.3	0.150		0	no	83.9	79.9	270	633	85.8	118	289	81.4	78.5	215	90.2	211	< 30.0
Calcium, Ca	mg/L				634		< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 30.0
Chromium, Cr	mg/L	1.5	0.3		0	no	< 0.0100	< 0.0100	0.0194	0.0187	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 30.0
Copper, Cu	mg/L				0.0194		< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 0.100	< 30.0
Iron, Fe	mg/L	9			0	no	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 30.0
Lead, Pb	mg/L	1.5	0.450		0	no	0.144	0.104	0.332	0.581	0.138	0.147	0.235	0.12	0.136	0.323	< 0.100	0.23	< 30.0
Magnesium, Mg	mg/L				0.765		< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 0.00200	< 30.0
Manganese, Mn	mg/L	9			0	no	< 0.0100	< 0.0100	0.0176	0.0481	0.121	0.0658	< 0.0100	< 0.0100	0.0133	0.012	< 0.0100	< 0.0100	< 30.0
Molybdenum, Mo	mg/L				0.121		< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 0.0100	< 30.0
Nickel, Ni	mg/L				0		22.2	29.5	30.8	33.7	12	21.1	32.3	24.4	32.8	30.1	27	31	< 30.0
Potassium, K	mg/L				35.9		< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 30.0
Selenium, Se	mg/L	0.3	1.0		0	no	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 30.0
Silver, Ag	mg/L				0		7.32	10.6	10	11.5	3.89	5.22	10.8	9.38	9.72	10.3	8.79	8.96	< 30.0
Sodium, Na	mg/L	7500			15.1	no	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 0.0500	< 30.0
Thallium, Tl	mg/L				0		< 0.0200	0.0311	< 0.0200	< 0.0200	< 0.0200	0.023	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 0.0200	< 30.0
Vanadium, V	mg/L				0.0311		< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 0.00500	< 30.0
Zinc, Zn	mg/L				0.00693		< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 0.0020	< 30.0
Mercury, Hg	mg/L	0.06	0.060		0	no	10.63	10.6	10.15	9.98	10.67	10.57	10.14	10.5	10.65	10.2	10.75	10.43	< 30.0
Hydrogen Ion (pH)	s.u.				10.86		7.77	22.9	20.9	20.4	2.53	4.47	24.1	21.5	23.1	19.2	29.5	21.7	< 30.0
Chloride, Cl	mg/L	7500			31.5	no	0.321	0.216	< 0.150	< 0.150	0.348	0.367	0.153	0.156	0.264	0.233	0.348	< 0.150	< 30.0
Fluoride, F	mg/L	120			0.489	no	184	176	692	1560	170	280	758	187	166	524	188	548	< 30.0
Sulfate, SO4	mg/L	7500			1920	no													< 30.0

APPENDIX A

FGD LANDFILL CLOSURE DOCUMENTATION

November 16, 2018

Mr. Dale Warner
Ohio EPA – SEDO
2195 Front Street
Logan, OH 43138

**RE: Conesville Plant On-Site Poz-o-Tec® Landfill
Post-Closure Activities Completion Certification**

Dear Mr. Warner,

OAC 3745-27-14(B) requires the owner, or operator, to submit written certification that a landfill facility has completed post-closure activities in accordance with the rule and the “final closure/post-closure plan.” The Conesville Plant’s on-site Poz-o-Tec® landfill entered into post-closure care in November of 1988 and this November marks the end of the 30 year post-closure care monitoring period. Subsequently, this letter is being sent to certify that the landfill has completed post-closure care activities.

The following documentation demonstrates the completion of the post-closure activities and that human health and safety to the environment is and will be protected:

(1) A summary of changes to leachate quality and quantity.

The on-site Poz-o-Tec® landfill was not constructed with a leachate collection system. The Poz-o-Tec® landfill consisted of Flue Gas Desulphurization (FGD) material that was fixated by dewatering and adding lime and fly ash. The logarithmic average permeability of the fixated material was determined to be 6.07×10^{-6} cm/sec from 45 tests, and therefore the generation of leachate is minimal.

The leachate quality is expected to improve (i.e., less constituents potentially dissolved) as seepage through the landfill continues with subsequent pore volume displacement, yielding a less mineralized effluent.

(2) Rate of leachate generation and quantity of leachate in the landfill, with an explanation of how these figures were derived.

The on-site Poz-o-Tec® landfill was not constructed with a leachate collection system. The Poz-o-Tec® landfill consisted of Flue Gas Desulphurization (FGD) material that was fixated by dewatering

and adding lime and fly ash. The logarithmic average permeability of the fixated material was determined to be 6.07×10^{-6} cm/sec from 45 tests, and therefore the generation of leachate is minimal.

The leachate quality is expected to improve (i.e., less constituents potentially dissolved) as seepage through the landfill continues with subsequent pore volume displacement, yielding a less mineralized effluent.

(3) A summary of any on-going ground water assessment or corrective measures.

There is currently no groundwater monitoring program associated with the Poz-o-Tec® landfill. Initially, there were 30 groundwater monitoring wells installed and the wells were monitored quarterly for 3 years. No constituents were detected above the primary drinking water standards at the time and the monitoring program was discontinued.

(4) A summary of explosive gas migration and generation by the landfill.

The fixated FGD material does not produce explosive gas.

(5) An assessment of the integrity and stability of the cap system if post-closure care activities cease.

No deficiencies of the cap have been noted during the quarterly inspections. Surface water controls have been performing as intended, and there has been no ponding observed on the cap system. Vegetation was established and no erosion, or settlement of the cap system has been overserved.

Should you have any questions, please contact me at 614-740-2259, or by email at jrjent@aep.com.

Sincerely,



Justin R. Jent, PE
Environmental Engineer Sr.
Land Environment & Remediation Services

Certification by a Qualified Professional Engineer

I, David A. Miller, certify that the information contained herein is true and accurate to the best of my knowledge. Based on my experience and knowledge of the site, the landfill has completed post-closure care and has met the requirements of OAC 3745-27-14.

DAVID A. MILLER

Printed Name of Registered Professional Engineer

David A. Miller

Signature



E-60659

Registration No.

OHIO

Registration State

11.16.18

Date



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

MAR 25 2019

Mr. Justin R. Jent, PE
American Electric Power
1 Riverside Plaza
Columbus, Ohio 43215

Re: Conesville FGD LDF
Director's Authorization
Approval
Municipal Solid Waste Landfills
Coshocton County
MSWL018444

Subject: Conesville FGD Landfill, Municipal Solid Waste Landfill, Coshocton County
End of Post-Closure Care Period

Dear Mr. Jent:

Ohio EPA MAR 25 '19
Entered Director's Journal

American Electric Power (AEP) is the owner of Conesville FGD Landfill (Facility) located on Parcel #0100000081200 in Coshocton County. On November 16, 1988, the owner certified closure of the Facility by final capping the approximately 50-acre area of waste placement.

On November 19, 2018, Ohio EPA received a letter from you requesting to be released from the post-closure care requirement pursuant to Ohio Administrative Code (OAC) Rule 3745-27-14(C). The Facility has been in post-closure care for 30 years as of November 16, 2018. During the post-closure care period, the owner performed quarterly inspections of the Facility.

Ohio EPA staff have reviewed the available documents, conducted a site inspection, and concluded that the post-closure care requirements have been met and current site conditions do not pose a risk to human health or safety or the environment. Therefore, I acknowledge that the post-closure care obligations, as required by OAC Rule 3745-27-14, for the Conesville FGD Landfill have been completed and authorize the discontinuance of the post-closure care period.

Please be advised that OAC Rule 3745-27-13 is still applicable to this facility. OAC Rule 3745-27-13(A) states:

No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule.

While AEP is no longer obligated to conduct post-closure care activities at the Facility pursuant to the solid waste regulations, AEP should recognize that Ohio Revised Code (ORC) Chapter 6111 prohibits causing pollution to waters of the state. Therefore, Ohio EPA recommends that AEP continue to undertake reasonable measures to prevent impacts from the Facility, such as periodic inspection and maintenance of the landfill cap and any surface water control features on the property.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, OH 43215

If you have any questions regarding this authorization, please contact Dale Warner of Ohio EPA's Southeast District Office at (740) 380-5435.

Sincerely,



Laurie A. Stevenson, Director

LS/DW/mr

cc: Justin Jent, AEP
Zach Fanning, Coshocton County General Health District
Rich Fox, DMWM, SEDO
Dale Warner, DMWM, SEDO
Jeremy Carroll, DMWM, CO

6433
✓ O

Columbus Southern
Power Company
215 N Front St
Columbus, OH 43215
614 464 7700



Marjorie Gray
Coshocton County Recorder
349 Main Street
Coshocton, Ohio 43812

December 5, 1988

RE: CONESVILLE ON-SITE FGD WASTE DISPOSAL
FACILITY CLOSURE PLAT

Dear Ms. Gray:

Columbus Southern Power Company hereby submits, pursuant to OAC 3745-27-10(c)(8), its Closure Plat for its On-Site FGD Waste Disposal Facility.

The closed waste disposal facility as shown on the Closure Plat, marked Exhibit "A" and attached hereto, is situated in the State of Ohio, County of Coshocton, Township of Franklin, Third Quarter of the Fourth (4th) Township in the Sixth (6th) Range, U.S.M.L., and being parts of the following lands conveyed to Columbus Southern Power Company (formerly Columbus and Southern Ohio Electric Company) and recorded in the Recorder's Office of the County of Coshocton, State of Ohio.

Grantor	Grantee	Recording		Acreage
		Vol.	Page	
D. P. Tumblin	Columbus Southern	283	128 ✓	64.47
Sinclair Mines	Columbus Southern	217	66 ✓	742.15

Columbus Southern Power Company closed the Waste Disposal Facility in accordance with plans approved by Ohio EPA on September 17, 1984. The final phase was capped with two feet of clay this past summer and seeding was completed on September 22, 1988. As a result of the Company's agreement with Ohio EPA to close the Facility by October 1, 1988, the final fill elevation is lower than originally designed.

Approximately 4.6 million cubic yards of air pollution control residuals were placed in this 50 acre Facility from 1977 to June 1988. The residues consisted primarily of stabilized flue gas

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Marjorie Gray
page 2
December 5, 1988

desulfurization (FGD) wastes produced from the scrubbers on Units 5 and 6 and, to a lesser extent, conditioned fly ash from Unit 4.

If you have any questions or need further information, please call me at (614)464-7514.

Sincerely,

Dana E. Limes / Pro
Dana E. Limes
Environmental Specialist

Attachment

cc: Coshocton County Health Department
Ohio EPA-SEDO

88-405

EXHIBIT "A" FILED PLAT CABINET I SLIDE 143 COSHOCTON COUNTY
PLAT BOOK 3 PAGE 83

Received DEC 14 1988
At 11:00 o'clock A.M.
Recorded DEC 14 1988
in Coshocton County, Ohio
Record of Deeds Vol. 366
Page 50
Marjorie L. Gray
Coshocton County Recorder
Recorder's Fee \$ 12.00

APPENDIX B

CERTIFICATION AND AFFIRMATION STATEMENTS

AFFIRMATION STATEMENT

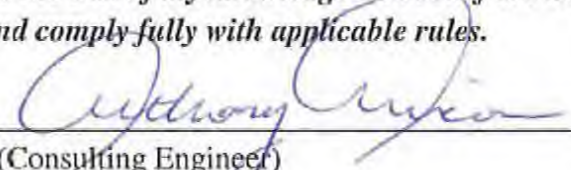
Landfill Name: FGD Landfill
Owner/Operator: Conesville Industrial Park LLC
Document Title: OAC 3745-513 Application, FGD Landfill Closure by Removal
Document Date: October 2020

The above-referenced document has been prepared by Civil & Environmental Consultants, Inc. on behalf of the applicant/owner, Conesville Industrial Park LLC.

The following affirmation statement provides confirmation that this Rule 513 Application was prepared by a qualified professional engineer and that there is sufficient information to demonstrate that the proposed FGD Landfill Closure by Removal meets the requirements of the applicable OAC Rules.

Professional Engineer's Certification

By signing this document I hereby certify that all statements and all assertions of fact made in the document to the best of my knowledge and belief are true and accurate, include all required information, and comply fully with applicable rules.

Signed: 
(Consulting Engineer)
Print Name: Anthony Amicon
Ohio License No.: E-58805
Title: Vice President
Company: Civil & Environmental Consultants, Inc.

Professional Engineer's Seal:



AFFIRMATION STATEMENT


Landfill Name: FGD Landfill
Owner/Operator: Conesville Industrial Park, LLC
Document Title: OAC 3745-513 Application, FGD Landfill Closure by Removal
Document Date: October 2020

The above-referenced document has been prepared by Civil & Environmental Consultants, Inc. on behalf of the applicant/owner, Conesville Industrial Park LLC.

The following affirmation statement provides confirmation that the proposed chapter 513 activities will be conducted in compliance with all applicable state and federal rules and laws, that this OAC 3745-513 Application was prepared by a qualified professional engineer, and, that there is sufficient information to demonstrate that the proposed FGD Landfill Closure by Removal meets the requirements of the applicable OAC Rules.

Owner's Certification

By signing this document I hereby certify that all statements and all assertions of fact made in the document to the best of my knowledge and belief are true and accurate, include all required information, and comply fully with applicable rules.

Signed: 
(Owner)
Print Name: _____
Title: Vice President
Company: Conesville Industrial Park LLC

APPENDIX C

LETTERS OF INTENT



October 5, 2020

**VIA CERTIFIED MAIL 7017 0660 0000 7281 3459
RETURN RECEIPT REQUESTED**

Ms. Carol Philipps - Director
Coshocton-Fairfield-Licking-Perry Solid Waste Management District
675 Price Road
Newark, Ohio 43055

Dear Ms. Phillips:

Subject: Notification of Intent to Excavate and Remove the Closed FGD Landfill
Conesville Power Generation Plant
Conesville, Franklin Township, Coshocton County, Ohio
CEC Project 302-051

On behalf of Conesville Industrial Park, LLC (CIP) and in accordance with the Ohio Administrative Code (OAC) 3745-513 (Rule 513), Civil & Environmental Consultants, Inc., is notifying you that CIP intends to excavate and remove the closed flue-gas desulfurization (FGD) Landfill located at the former American Electric Power (AEP) Conesville Power Generation Plant. The material will be placed in the on-site permitted residual waste landfill or beneficially reused. The location of the closed FGD Landfill is shown on the enclosed Figure 1. A Rule 513 Application will be submitted to Ohio EPA SEDO requesting authorization for this project. The application will include copies of this letter of intent and a statement certifying that letters of intent to obtain an authorization pursuant to Rule 513 have been sent to the following entities:

- Coshocton County Health Department;
- Coshocton County Commissioners;
- Franklin Township Board of Trustees;
- Conesville Mayor;
- Coshocton-Fairfield-Licking-Perry Solid Waste Management District;
- Conesville Volunteer Fire Department.

If you have any questions, please contact us at 614-545-1260.
Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Roy Stanley, P.G.
Senior Project Manager

Rick Buffalini, P.E.
Vice President

Attachment: Figure 1 – Closed FGD Landfill Location Map



REFERENCES AND NOTES
1. OSIP II 2014 COUNTY MOSAIC

**CLOSED FGD
LANDFILL SITE**

LEGEND

 CLOSED FGD LANDFILL

SCALE IN FEET

0 1,000 2,000 4,000



APPROXIMATE SITE LOCATION



Civil & Environmental Consultants, Inc.

5899 Montclair Boulevard · Cincinnati, OH 45150
513-985-0226 · 800-759-5614
www.cecinc.com

**CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCKTON COUNTY, OHIO**

CLOSED FGD LANDFILL LOCATION MAP

DRAWN BY:

MAK

CHECKED BY:

RAS

APPROVED BY:

APA*

FIGURE NO:

1

DATE:

10/1/2020

SCALE:

1" = 2,000'

PROJECT NO:

196-318

*Hand Signature on file

\\MKRAMER\Share\Temp\196-318\Map\196318_FGD_SitelocationMap.mxd 10/1/2020 10:21 AM (mkramer)



October 5, 2020

**VIA CERTIFIED MAIL 7017 0660 0000 7281 3466
RETURN RECEIPT REQUESTED**

Conesville Volunteer Fire Department
504 State Street
Conesville, OH 43811

Dear Volunteer Fire Department:

**Subject: Notification of Intent to Excavate and Remove the Closed FGD Landfill
Conesville Power Generation Plant
Conesville, Franklin Township, Coshocton County, Ohio
CEC Project 302-051**

On behalf of Conesville Industrial Park, LLC (CIP) and in accordance with the Ohio Administrative Code (OAC) 3745-513 (Rule 513), Civil & Environmental Consultants, Inc., is notifying you that CIP intends to excavate and remove the closed flue-gas desulfurization (FGD) Landfill located at the former American Electric Power (AEP) Conesville Power Generation Plant. The material will be placed in the on-site permitted residual waste landfill or beneficially reused. The location of the closed FGD Landfill is shown on the enclosed Figure 1. A Rule 513 Application will be submitted to Ohio EPA SEDO requesting authorization for this project. The application will include copies of this letter of intent and a statement certifying that letters of intent to obtain an authorization pursuant to Rule 513 have been sent to the following entities:

- Coshocton County Health Department;
- Coshocton County Commissioners;
- Franklin Township Board of Trustees;
- Conesville Mayor;
- Coshocton-Fairfield-Licking-Perry Solid Waste Management District;
- Conesville Volunteer Fire Department.

If you have any questions, please contact us at 614-545-1260.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Roy Stanley, P.G.
Senior Project Manager

Rick Buffalini, P.E.
Vice President

Attachment: Figure 1 – Closed FGD Landfill Location Map



REFERENCES AND NOTES
1. OSIP II 2014 COUNTY MOSAIC

**CLOSED FGD
LANDFILL SITE**

LEGEND

 CLOSED FGD LANDFILL

SCALE IN FEET

0 1,000 2,000 4,000



APPROXIMATE SITE LOCATION



Civil & Environmental Consultants, Inc.

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**CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCKTON COUNTY, OHIO**

CLOSED FGD LANDFILL LOCATION MAP

DRAWN BY:	MAK	CHECKED BY:	RAS	APPROVED BY:	APA*	FIGURE NO:	1
DATE:	10/1/2020	SCALE:	1" = 2,000'	PROJECT NO:	196-318		

*Hand Signature on file

\\MKRAMER\Share\Temp\196-318\Map\196318_FGD_SitelocationMap.mxd 10/1/2020 10:21 AM (mkramer)



October 5, 2020

VIA CERTIFIED MAIL 7017 0660 0000 7281 3473
RETURN RECEIPT REQUESTED

Mr. Zach Fanning
Coshocton County Health Department
724 S. 7th Street
Coshocton, OH 43812

Dear Mr. Fanning:

**Subject: Notification of Intent to Excavate and Remove the Closed FGD Landfill
Conesville Power Generation Plant
Conesville, Franklin Township, Coshocton County, Ohio
CEC Project 302-051**

On behalf of Conesville Industrial Park, LLC (CIP) and in accordance with the Ohio Administrative Code (OAC) 3745-513 (Rule 513), Civil & Environmental Consultants, Inc., is notifying you that CIP intends to excavate and remove the closed flue-gas desulfurization (FGD) Landfill located at the former American Electric Power (AEP) Conesville Power Generation Plant. The material will be placed in the on-site permitted residual waste landfill or beneficially reused. The location of the closed FGD Landfill is shown on the enclosed Figure 1. A Rule 513 Application will be submitted to Ohio EPA SEDO requesting authorization for this project. The application will include copies of this letter of intent and a statement certifying that letters of intent to obtain an authorization pursuant to Rule 513 have been sent to the following entities:

- Coshocton County Health Department;
- Coshocton County Commissioners;
- Franklin Township Board of Trustees;
- Conesville Mayor;
- Coshocton-Fairfield-Licking-Perry Solid Waste Management District;
- Conesville Volunteer Fire Department.

If you have any questions, please contact us at 614-545-1260.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Roy Stanley, P.G.
Senior Project Manager

Rick Buffalini, P.E.
Vice President

Attachment: Figure 1 – Closed FGD Landfill Location Map



REFERENCES AND NOTES
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**CLOSED FGD
LANDFILL SITE**

LEGEND

 CLOSED FGD LANDFILL

SCALE IN FEET

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APPROXIMATE SITE LOCATION



Civil & Environmental Consultants, Inc.

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513-985-0226 · 800-759-5614
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**CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCKTON COUNTY, OHIO**

CLOSED FGD LANDFILL LOCATION MAP

DRAWN BY:

MAK

CHECKED BY:

RAS

APPROVED BY:

APA*

FIGURE NO:

1

DATE:

10/1/2020

SCALE:

1" = 2,000'

PROJECT NO:

196-318

*Hand Signature on file

\\MKRAMER\Share\Temp\196-318\Map\196318_FGD_SitelocationMap.mxd 10/1/2020 10:21 AM (mkramer)



October 5, 2020

**VIA CERTIFIED MAIL 7017 0660 0000 7281 3480
RETURN RECEIPT REQUESTED**

Ms. Robin Schonauer
Coshocton County Commissioners
401 1/2 Main Street
Coshocton, OH 43812

Dear Ms. Schonauer:

Subject: Notification of Intent to Excavate and Remove the Closed FGD Landfill
Conesville Power Generation Plant
Conesville, Franklin Township, Coshocton County, Ohio
CEC Project 302-051

On behalf of Conesville Industrial Park, LLC (CIP) and in accordance with the Ohio Administrative Code (OAC) 3745-513 (Rule 513), Civil & Environmental Consultants, Inc., is notifying you that CIP intends to excavate and remove the closed flue-gas desulfurization (FGD) Landfill located at the former American Electric Power (AEP) Conesville Power Generation Plant. The material will be placed in the on-site permitted residual waste landfill or beneficially reused. The location of the closed FGD Landfill is shown on the enclosed Figure 1. A Rule 513 Application will be submitted to Ohio EPA SEDO requesting authorization for this project. The application will include copies of this letter of intent and a statement certifying that letters of intent to obtain an authorization pursuant to Rule 513 have been sent to the following entities:

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- Coshocton County Commissioners;
- Franklin Township Board of Trustees;
- Conesville Mayor;
- Coshocton-Fairfield-Licking-Perry Solid Waste Management District;
- Conesville Volunteer Fire Department.

If you have any questions, please contact us at 614-545-1260.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Roy Stanley, P.G.
Senior Project Manager

Rick Buffalini, P.E.
Vice President

Attachment: Figure 1 – Closed FGD Landfill Location Map



REFERENCES AND NOTES
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**CLOSED FGD
LANDFILL SITE**

LEGEND

 CLOSED FGD LANDFILL

SCALE IN FEET

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APPROXIMATE SITE LOCATION



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**CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCKTON COUNTY, OHIO**

CLOSED FGD LANDFILL LOCATION MAP

DRAWN BY:

MAK

CHECKED BY:

RAS

APPROVED BY:

APA*

FIGURE NO:

1

DATE:

10/1/2020

SCALE:

1" = 2,000'

PROJECT NO:

196-318

*Hand Signature on file

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REFERENCES AND NOTES
1. OSIP II 2014 COUNTY MOSAIC

**CLOSED FGD
LANDFILL SITE**

LEGEND

 CLOSED FGD LANDFILL

SCALE IN FEET

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APPROXIMATE SITE LOCATION



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CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCKTON COUNTY, OHIO

CLOSED FGD LANDFILL LOCATION MAP

DRAWN BY:	MAK	CHECKED BY:	RAS	APPROVED BY:	APA*	FIGURE NO:	1
DATE:	10/1/2020	SCALE:	1" = 2,000'	PROJECT NO:	196-318		

*Hand Signature on file

\\MKRAMER\Share\Temp\196-318\Map\196318_FGD_SitelocationMap.mxd 10/1/2020 10:21 AM (mkramer)



October 5, 2020

**VIA CERTIFIED MAIL 7017 0660 0000 7281 3497
RETURN RECEIPT REQUESTED**

Ms. Cindy McVey
Franklin Township Trustees
15949 CR 429
Coshocton, OH 43812

Dear Ms. McVey:

**Subject: Notification of Intent to Excavate and Remove the Closed FGD Landfill
Conesville Power Generation Plant
Conesville, Franklin Township, Coshocton County, Ohio
CEC Project 302-051**

On behalf of Conesville Industrial Park, LLC (CIP) and in accordance with the Ohio Administrative Code (OAC) 3745-513 (Rule 513), Civil & Environmental Consultants, Inc., is notifying you that CIP intends to excavate and remove the closed flue-gas desulfurization (FGD) Landfill located at the former American Electric Power (AEP) Conesville Power Generation Plant. The material will be placed in the on-site permitted residual waste landfill or beneficially reused. The location of the closed FGD Landfill is shown on the enclosed Figure 1. A Rule 513 Application will be submitted to Ohio EPA SEDO requesting authorization for this project. The application will include copies of this letter of intent and a statement certifying that letters of intent to obtain an authorization pursuant to Rule 513 have been sent to the following entities:

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- Coshocton County Commissioners;
- Franklin Township Board of Trustees;
- Conesville Mayor;
- Coshocton-Fairfield-Licking-Perry Solid Waste Management District;
- Conesville Volunteer Fire Department.

If you have any questions, please contact us at 614-545-1260.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Roy Stanley, P.G.
Senior Project Manager

Rick Buffalini, P.E.
Vice President

Attachment: Figure 1 – Closed FGD Landfill Location Map



REFERENCES AND NOTES
1. OSIP II 2014 COUNTY MOSAIC

**CLOSED FGD
LANDFILL SITE**

LEGEND

 CLOSED FGD LANDFILL

SCALE IN FEET

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**CONESVILLE INDUSTRIAL PARK, LLC
OAC 3745-513 APPLICATION
CONESVILLE POWER GENERATION PLANT
COSHOCKTON COUNTY, OHIO**

CLOSED FGD LANDFILL LOCATION MAP

DRAWN BY:

MAK

CHECKED BY:

RAS

APPROVED BY:

APA*

FIGURE NO:

1

DATE:

10/1/2020

SCALE:

1" = 2,000'

PROJECT NO:

196-318

*Hand Signature on file

\\MKRAMER\Share\Temp\196-318\Map\196318_FGD_SitelocationMap.mxd 10/1/2020 10:21 AM (mkramer)

APPENDIX D

CIP OWNERSHIP DEMONSTRATION

COSHOCOTON COUNTY
DOCUMENT OF TRANSFER
REVIEW SHEET

CONTACT _____ Taft Law _____ FILE # **0609**
GRANTOR _____ AEP Generation Resources Inc _____
GRANTEE _____ Conesville Industrial Park, LLC _____ RECEIVED 05/27/2020

	Date		Reviewer
Document of Transfer	<input checked="" type="checkbox"/>	APPROVED	<input type="checkbox"/>
		DISAPPROVED	<u>5/27/20</u>
			JLM

If disapproved, the following Real Estate Conveyance Standards need addressed.
The item number listed corresponds to the appropriate section of the Standards dated March 1, 2013.
The Standards can be found at <http://www.coshocotontaxmap.net/taxmap>

Please print the attached document making sure that the digital stamps appear on each page and consider it your original. Since the document has been digitally approved, it is no longer necessary to submit anything further.

Please note that any possible corrections noted must be verified by the presenter. In no event shall the reviewer be responsible or liable for any such information provided to the presenter.

After initial submittal, ALL subsequent submittals MUST be accompanied with this routing sheet.

Frederick T. Wachtel, Coshocotont County Engineer

fredwachtel@coshocotontcounty.net

740-622-2135 phone

Christine Sycks, Coshocotont County Auditor

chrissycks@coshocotontcounty.net

740-622-1243

Jona Lee Mikesell, Reviewer, Coshocotont County Engineer's Tax Map Office

jonaleemikesell@coshocotontcounty.net

740-622-3184 phone

THE PURPOSE OF THE COSHOCTON COUNTY DOCUMENT OF TRANSFER REVIEW AND APPROVAL IS NOT TO CREATE A HARDSHIP, NOR TO DISCRIMINATE AGAINST ANY INDIVIDUAL. RATHER IT IS TO OBTAIN THE MOST ACCURATE LAND RECORDS REASONABLY POSSIBLE, TO CORRECT ERRORS IN FORMER TRANSFERS AND RECORDS, AND TO INSURE DEFINITE AND ACCURATE DESCRIPTIONS FOR FUTURE TRANSFERS. THIS BENEFITS PROPERTY OWNERS, ABSTRACTORS, ATTORNEYS, AND RECORDING AND TAXING OFFICIALS IN COSHOCTON COUNTY.

QUITCLAIM DEED

AEP GENERATION RESOURCES INC., a Delaware corporation ("**Grantor**"), for valuable consideration paid, grants to CONESVILLE INDUSTRIAL PARK, LLC, a New York limited liability company ("**Grantee**"), its interest in the real property described in **Exhibit A** attached hereto and made a part hereof (the "**Property**"), including all structures, equipment, and facilities located thereon, and subject to: (a) all easements, covenants, conditions, restrictions, and limitations of records; (b) taxes and assessments, both general and special, that are a lien, but are not yet due and payable; (c) zoning laws and regulations, if any; and (d) those matters which would be disclosed by an accurate survey of the real property.

The Grantee's tax mailing address is 500 Seneca Street, Suite 504, Buffalo, New York 14204, Attn: David P. Franjoine, Managing Member.

Grantee, and all subsequent owners of the Property, for itself and its affiliates, members, directors, officers, shareholders, managers, employees, trustees, beneficiaries, agents, attorneys, representatives and contractors, and their successors and assigns, does hereby completely and irrevocably release and forever discharge Grantor and AES Ohio Generation, LLC, an Ohio limited liability company, and each of their affiliates, and their directors, managers, members, directors, officers, shareholders, employees, trustees, beneficiaries, agents, attorneys, representatives and contractors, and each of their respective successors and assigns (the "**Released Parties**") from any and all past, current, future and contingent liability, damages, claims, losses of any and every kind and nature, whether currently known or unknown, including any liability, damages, or claims arising under state or federal laws, including CERCLA, RCRA, and the Clean Water Act, and further including any claims sounding in negligence, nuisance, trespass, strict liability, contract, environmental, statutory or equitable liability or otherwise, relating to the Property, any pollution conditions associated with the Property, and its prior or current use, except as otherwise specifically agreed to by the Released Parties, and except as may be the result of Grantor's future activities on the Property pursuant to the reservation of rights below. The foregoing release and discharge includes all known, unknown, unforeseen, unanticipated and unexpected damages and any incidental, consequential, special, indirect, and punitive or exemplary damages; attorney fees; environmental consulting or other professional fees; environmental investigation and assessment costs; and other damages arising from or relating to lost profits, lost revenues or income, loss of

business opportunity, or diminution in value.

Excepting and reserving to Grantor, its successor and assigns, any and all oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane gas (which includes coal seam gas, coalbed gas, coal mine methane, methane gas, gob gas, occluded gas and other naturally occurring gases contained in or associated with any coal seam and gas originating, emitted or produced from any coal seam) and appurtenant rights, together with the following easements and rights in regard thereto:

1. The right to enter in, under and upon the surface of the Property for the purposes of exploring for, drilling (either horizontally, directionally, or vertically), producing, marketing, processing, preparing, transporting and removing any and all oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane in, on or under the Property, or from any other tracts or sources for Grantor, its successors, assigns, affiliates or lessees whether by conventional or future methods that may be employed in a manner that will not materially interfere with Grantee's use and enjoyment of the Property.

2. The right to construct, place, use, maintain, operate, replace and remove gathering lines, pipelines, telephone lines and other structures on the Property (provided, however, that Grantor must obtain Grantee's prior written consent, which shall not be unreasonably withheld, conditioned, or delayed, to: (i) the location of any such lines, pipelines, or structures, and (ii) utilize any structure transferred to Grantee pursuant to this Quitclaim Deed) to develop, produce, save, treat and transport any and all oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane gas, whether produced from the Property or other tracts or sources for Grantor, its successors, assigns, affiliates or lessees.

3. The right to transport over, under, through and beyond the surface of the Property any and all oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane in, on or under the Property or from any other tracts or sources for Grantor, its successors, assigns, affiliates or lessees via gathering lines, pipelines, and other structures described in Paragraph 2, above, and in a manner that will not materially interfere with Grantee's use and enjoyment of the Property.

4. The right to construct drips, buildings, tanks, stations, and houses for gates, meters, compressors and regulators on the surface of the Property, the locations of which shall be subject to the prior written approval of Grantee, not to be unreasonably withheld, conditioned, or delayed.

5. The right to conduct geological and geophysical surveys and other exploratory work (including core drilling) on or under the surface of the Property in a manner that will not materially interfere with Grantee's use and enjoyment of the Property.

6. The right to construct any necessary rights of way, roads, culverts, bridges and landings on the surface of the Property (the locations of which shall be subject to the prior written

approval of Grantee, not to be unreasonably withheld, conditioned, or delayed), including the right to use any existing or hereafter constructed roads that are convenient for the exercise of any rights related to the oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane gas.

7. The right to drill and extract from new water wells and the reasonable use of surface water on the Property convenient for the exercise of any rights related to the oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane gas in a manner that will not materially interfere with Grantee's use and enjoyment of the Property.

8. The right to approve the use of the surface or subsurface of the Property as required or set out in any existing or future lease for the purposes of exploring for, drilling (either horizontally, directionally, or vertically), producing, marketing, processing, preparing, transporting and removing any and all oil, petroleum, gas, natural gas, shale gas and other liquid or gaseous hydrocarbons or other constituents thereof and any and all coalbed methane in a manner that is consistent with the rights excepted and reserved in Paragraphs 1 through 7, above.

In seeking any approval or consent required by items 2, 4 and 6 above, Grantor shall provide Grantee with a written request specifying the approval being sought (the "Request"). Grantee shall have fourteen (14) business days from the date of receipt of the Request to approve the Request or to advise Grantor in writing of Grantee's disapproval of a specific location associated with the Request and provide Grantor with an alternate location(s). Any alternate location must be acceptable to Grantor in its reasonable discretion; it must be economically feasible; and Grantor must be able to reasonably comply with all applicable laws, rules and regulations related to the use of such location. Grantee's failure to respond to any Request within fourteen (14) business days following receipt shall be deemed an approval of such Request.

As to Grantee, and any successor to Grantee who is an affiliate of Grantee, all of the foregoing rights being further subject to the provisions agreed to by the parties in that certain Environmental Liability and Property Transfer and Asset Purchase Agreement dated of even date herewith (the "**Purchase Agreement**"), and the Purchase Agreement and its provisions, terms and conditions shall survive this Quitclaim Deed.

By acceptance of this deed, Grantee acknowledges and agrees that the Property is being sold and conveyed in its present condition, "AS-IS, WHERE-IS, WITH ALL FAULTS", without representation or warranty of any kind including, without limitation, warranties of suitability for a particular purpose, warranties relating to the title, zoning, structural integrity, physical condition, or environmental condition of all or any part of the Property, other than those agreed to by the parties in the Purchase Agreement. Except as may be the result of Grantor's activities on the Property pursuant to the reservation of rights above, Grantee hereby assumes the risk that adverse past, present, and future physical characteristics and conditions may not have been investigated. Grantee hereby waives and releases any and all objections to or claims with respect to any and all

physical characteristics and existing conditions of the Property including, without limitation, any hazardous material, hazardous substances, contaminants, pollutants, or asbestos containing materials in, at, on, under or related to the Property, other than those required to be disclosed under the terms of the Purchase Agreement.

[signature page to follow]

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the 5th day of June, 2020.

AEP GENERATION RESOURCES INC.

By: 


Print name: James D. Henry

Title: Vice President

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

This certificate relates to an acknowledgement in connection with which no oath or affirmation was administered to the document signor.

The foregoing instrument was acknowledged before me, a notary public in the county and state written above, this 4th day of June, 2020, by James D. Henry, the Vice President of the aforesaid Grantor, AEP Generation Resources Inc., a Delaware corporation.


Notary Public
SEAL

My Commission Expires:

No expiration

This instrument was prepared by:
Lindi S. Vernick, Esq.
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202
513-381-2838



JAY E. JADWIN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

Document of Transfer
Pg 5 of 6 Approval
Coshocton County, Ohio
By: Jona Lee Mikesell May 27, 2020

EXHIBIT A

See attached.

AEP Generation Resources, Inc.
Official Record 633, Page 430
Exhibit C-1
Part of Tract Three of Five

Split of 989.643 acres

Situated in the State of Ohio, County of Coshocton, Township of Franklin, and being part of Fractional Section 18 and Quarter Township 3, Township 4, Range 6, United States Military Lands, and being a part of Tract Three of Five Tract of lands presently owned by AEP Generation Resources, Inc. as recorded in Coshocton County Official Record 633, Page 430, Exhibit C-1, and being more particularly described as follows:

Beginning for reference at a concrete monument found at the southwest corner of Fractional Section 13, Township 4, Range 6, United States Military Lands;

thence along the north line of lands presently owned by Andrew S. and Lori A. Adams (OR 179-947), South 89 degrees 56 minutes 42 seconds West 797.09 feet to an iron pipe found (3/4" inside diameter), on the east line of lands presently owned by the Franklin Township Trustees (DR 320-414);

thence along the lines of said Trustees lands the following three courses:

- 1) South 49 degrees 53 minutes 20 seconds West 16.50 feet to an iron pipe found (3/4" inside diameter);
- 2) North 40 degrees 09 minutes 11 seconds West 82.52 feet to an iron pipe found (3/4" inside diameter);
- 3) South 49 degrees 50 minutes 49 seconds West 153.26 feet to a point in the centerline of Coshocton County Road 271 (CR-271), passing an iron pin found (5/8" rebar with I.D. cap) at 118.50 feet;

thence along the centerline of said CR-271, South 40 degrees 51 minutes 47 seconds East 214.00 feet to a point on the southwest corner of said Franklin Township Trustees lands, and the principal place of beginning;

thence along the centerline of said CR-271 the following twenty courses:

- 1) South 42 degrees 19 minutes 13 seconds East 58.07 feet to a point;
- 2) South 44 degrees 21 minutes 24 seconds East 156.59 feet to a point;
- 3) South 46 degrees 08 minutes 53 seconds East 172.45 feet to a point;
- 4) South 42 degrees 00 minutes 18 seconds East 124.75 feet to a point;
- 5) South 38 degrees 06 minutes 10 seconds East 178.18 feet to a point;
- 6) Along a non-tangent curve to the left having a radius of 487.18 feet, an arc length of 186.81 feet, a chord bearing South 51 degrees 44 minutes 46 seconds East, and a chord length of 185.67 feet to a point;
- 7) South 63 degrees 31 minutes 19 seconds East 105.72 feet to a point;
- 8) South 63 degrees 27 minutes 07 seconds East 259.56 feet to a point, passing the east line of Quarter Township Three at 124.60 feet to a point;
- 9) South 69 degrees 21 minutes 45 seconds East 155.67 feet to a point;
- 10) South 65 degrees 17 minutes 26 seconds East 139.68 feet to a point;
- 11) South 59 degrees 31 minutes 59 seconds East 144.17 feet to a point;
- 12) South 56 degrees 04 minutes 02 seconds East 101.93 feet to a point;
- 13) South 55 degrees 05 minutes 53 seconds East 146.07 feet to a point;
- 14) South 57 degrees 07 minutes 13 seconds East 165.11 feet to a point;
- 15) South 34 degrees 17 minutes 24 seconds East 67.58 feet to a point;
- 16) South 50 degrees 28 minutes 20 seconds East 93.65 feet to a point;
- 17) South 41 degrees 18 minutes 06 seconds East 126.77 feet to a point;

- 18) along a non-tangent curve to the right having a radius of 676.00 feet, an arc length of 407.73 feet, a chord bearing South 18 degrees 11 minutes 55 seconds East, and a chord length of 401.57 feet to a point;
- 19) South 02 degrees 09 minutes 51 seconds West 136.12 feet to a point;
- 20) along a non-tangent curve to the right having a radius of 592.60 feet, an arc length of 235.20 feet, a chord bearing South 12 degrees 25 minutes 46 seconds West, and a chord length of 233.66 feet to a point on the northeast corner of lands presently owned by Richard Guilliams (DR 343-882);

thence along the lines of said Guilliams lands, the following three courses:

- 1) North 88 degrees 57 minutes 23 seconds West 295.67 feet to an iron pin found (3/4" rebar), passing an iron pin found (3/4" rebar) at 31.97 feet;
- 2) South 00 degrees 56 minutes 58 seconds West 260.79 feet to an iron pin found (3/4" rebar);
- 3) North 80 degrees 57 minutes 49 seconds East 180.55 feet to a point in the centerline of Franklin Township Road 263, passing an iron pin found (3/4" rebar), at 144.93 feet;

thence along the centerline of said Township Road the following three courses:

- 1) along a non-tangent curve to the left having a radius of 177.73 feet, an arc length of 126.94 feet, a chord bearing South 12 degrees 37 minutes 19 seconds West, and a chord length of 124.26 feet to a point;
- 2) South 08 degrees 59 minutes 59 seconds East 87.09 feet to a point;
- 3) along a non-tangent curve to the left having a radius of 198.53 feet, an arc length of 197.72 feet, a chord bearing South 40 degrees 46 minutes 18 seconds East, and a chord length of 189.65 feet to a point on the east line of lands presently owned by Gerald D. Guilliams (OR 470-103), and the west line of lands presently owned by Scott D. and Cynthia I. Limburg (OR 137-161) to a point;

thence along the said east line, South 29 degrees 14 minutes 39 seconds West 19.16 feet to a concrete monument found on the southwest corner of said Limburg lands;

thence along the south line of said Limburg lands, South 83 degrees 26 minutes 06 seconds East 344.77 to a point on the northwest corner of lands presently owned by Kevin M. and Brenda S. Foster (OR 222-204), and being the centerline of the vacated portion of Franklin Township Road 263 (TR-263), passing the centerline of TR-263 at 96.79 feet and passing an iron pin found (5/8" rebar) at 175.20 feet;

thence along the west line of said Foster lands the following eight courses:

- 1) South 21 degrees 19 minutes 23 seconds West 14.85 feet to a point;
- 2) South 06 degrees 05 minutes 50 seconds West 24.39 feet to a point;
- 3) South 03 degrees 18 minutes 38 seconds East 148.10 feet to a point;
- 4) South 23 degrees 04 minutes 22 seconds West 128.40 feet to a point;
- 5) South 29 degrees 11 minutes 25 seconds West 134.78 feet to a PK nail found in the centerline of TR-263 to a point;
- 6) along a non-tangent curve to the right having a radius of 1167.00 feet, an arc length of 131.36 feet, a chord bearing South 36 degrees 00 minutes 41 seconds West, and a chord length of 131.29 feet to a point;
- 7) South 53 degrees 38 minutes 02 seconds East 117.30 feet to an iron pin set to a point;
- 8) South 50 degrees 05 minutes 19 seconds West 1875.30 feet to an iron pin set on the east line of said Quarter Township 3;

thence along said east line, North 01 degrees 20 minutes 13 seconds East 105.00 feet to a PK nail found on the centerline of Township Road 263;

thence along said centerline the following nineteen courses:

- 1) South 46 degrees 02 minutes 57 seconds West 337.08 feet to a point;

- 2) South 46 degrees 31 minutes 46 seconds West 240.23 feet to a point;
- 3) South 44 degrees 11 minutes 43 seconds West 99.58 feet to a point;
- 4) South 41 degrees 59 minutes 54 seconds West 81.09 feet to a point;
- 5) South 35 degrees 36 minutes 03 seconds West 118.69 feet to a point;
- 6) South 34 degrees 11 minutes 53 seconds West 127.84 feet to a point;
- 7) South 35 degrees 55 minutes 42 seconds West 172.74 feet to a point;
- 8) South 31 degrees 54 minutes 18 seconds West 100.20 feet to a point;
- 9) South 31 degrees 32 minutes 01 seconds West 100.29 feet to a point;
- 10) South 31 degrees 45 minutes 15 seconds West 103.44 feet to a point;
- 11) South 31 degrees 45 minutes 15 seconds West 275.59 feet to a point;
- 12) South 29 degrees 46 minutes 29 seconds West 128.74 feet to a point;
- 13) South 31 degrees 43 minutes 01 seconds West 52.49 feet to a point;
- 14) South 34 degrees 34 minutes 19 seconds West 122.16 feet to a point;
- 15) South 31 degrees 38 minutes 34 seconds West 88.89 feet to a point;
- 16) South 25 degrees 44 minutes 42 seconds West 163.26 feet to a point;
- 17) South 25 degrees 55 minutes 44 seconds West 215.03 feet to a point;
- 18) South 24 degrees 58 minutes 46 seconds West 93.67 feet to a point;
- 19) South 24 degrees 30 minutes 22 seconds West 121.34 feet to a point on the southwest corner of lands presently owned by Gregory H. Shumaker (OR 715-855);

thence along the south line of said Shumaker lands, South 32 degrees 37 minutes 36 seconds East 83.36 feet to a point on the mean high water line of Wills Creek, passing iron pins found (5/8" rebars with I.D. caps) at 11.55 feet and 64.95 feet;

thence along said mean high water line the following eighteen courses:

- 1) South 17 degrees 48 minutes 19 seconds West 93.13 feet to a point;
- 2) South 17 degrees 56 minutes 57 seconds West 139.09 feet to a point;
- 3) South 16 degrees 14 minutes 28 seconds West 164.80 feet to a point;
- 4) South 16 degrees 49 minutes 52 seconds West 148.76 feet to a point;
- 5) South 16 degrees 42 minutes 56 seconds West 281.75 feet to a point;
- 6) South 17 degrees 20 minutes 14 seconds West 144.21 feet to a point;
- 7) South 30 degrees 58 minutes 16 seconds West 127.77 feet to a point;
- 8) South 33 degrees 45 minutes 20 seconds West 101.52 feet to a point;
- 9) South 37 degrees 54 minutes 04 seconds West 126.38 feet to a point;
- 10) South 47 degrees 55 minutes 57 seconds West 89.93 feet to a point;
- 11) South 73 degrees 37 minutes 31 seconds West 146.41 feet to a point;
- 12) South 74 degrees 44 minutes 57 seconds West 79.75 feet to a point;
- 13) South 69 degrees 56 minutes 59 seconds West 85.06 feet to a point;
- 14) South 82 degrees 37 minutes 39 seconds West 72.91 feet to a point;
- 15) South 72 degrees 30 minutes 02 seconds West 83.22 feet to a point;
- 16) South 71 degrees 12 minutes 48 seconds West 98.25 feet to a point;
- 17) South 68 degrees 10 minutes 43 seconds West 104.78 feet to a point;
- 18) South 63 degrees 31 minutes 13 seconds West 54.67 feet to a point on the east line of lands presently owned by CCU Coal and Construction, LLC (OR 772-5634);

thence along the lines of said CCU Coal and Construction lands the following nine courses:

- 1) North 15 degrees 13 minutes 56 seconds West 67.82 feet to an iron pin found (5/8" rebar);
- 2) North 16 degrees 03 minutes 01 seconds West 1077.39 feet to a railroad spike found, passing an iron pin found (5/8" rebar) at 60.07 feet;
- 3) North 73 degrees 59 minutes 43 seconds East 38.75 feet to a PK nail found;
- 4) North 15 degrees 52 minutes 41 seconds West 59.00 feet to an iron pin found (5/8" rebar);
- 5) South 73 degrees 57 minutes 41 seconds West 38.75 feet to an iron pin found (5/8" rebar);
- 6) North 16 degrees 02 minutes 32 seconds West 2864.11 feet to an iron pin found (5/8"

- rebar);
- 7) South 78 degrees 16 minutes 56 seconds West 1053.88 feet to an iron pin found (5/8" rebar);
 - 8) South 25 degrees 30 minutes 41 seconds West 672.05 feet to an iron pin found (5/8" rebar);
 - 9) North 86 degrees 18 minutes 57 seconds West 166.22 feet to an iron pin found (5/8" rebar) on the northeast corner of 18.160 acre Tract Five of Five, now owned by AEP Generation Resources, Inc. (OR 633-430 Exhibit E-1);

thence along the north line of said Tract Five, North 86 degrees 18 minutes 57 seconds West 200.14 feet to an iron pin found (5/8" rebar) on the northwest corner of said Tract Five;

thence along the north line of said CCU Coal and Construction lands extended, North 86 degrees 18 minutes 57 seconds West 1484.06 feet to the mean high water line of the Muskingum River, passing an iron pin found (5/8" rebar) on the northwest corner of said CCU Coal and Construction lands at 700.03 feet;

thence along said mean high water line the following fifty-two courses:

- 1) North 00 degrees 39 minutes 07 seconds West 35.14 feet to a point;
- 2) North 15 degrees 18 minutes 18 seconds East 65.43 feet to a point;
- 3) North 32 degrees 11 minutes 41 seconds East 68.16 feet to a point;
- 4) North 37 degrees 04 minutes 39 seconds East 150.59 feet to a point;
- 5) North 00 degrees 17 minutes 53 seconds East 70.74 feet to a point;
- 6) North 06 degrees 03 minutes 39 seconds West 145.91 feet to a point;
- 7) North 00 degrees 36 minutes 01 seconds West 40.75 feet to a point;
- 8) North 11 degrees 46 minutes 18 seconds West 145.95 feet to a point;
- 9) North 11 degrees 59 minutes 35 seconds West 142.18 feet to a point;
- 10) North 33 degrees 20 minutes 52 seconds West 59.16 feet to a point;
- 11) North 21 degrees 03 minutes 20 seconds West 287.80 feet to a point;
- 12) North 44 degrees 55 minutes 35 seconds West 28.10 feet to a point;
- 13) North 20 degrees 57 minutes 44 seconds West 71.11 feet to a point;
- 14) North 14 degrees 50 minutes 08 seconds West 130.19 feet to a point;
- 15) North 07 degrees 24 minutes 16 seconds West 104.54 feet to a point;
- 16) North 12 degrees 44 minutes 10 seconds East 41.45 feet to a point;
- 17) North 03 degrees 04 minutes 36 seconds West 81.72 feet to a point;
- 18) North 01 degrees 27 minutes 31 seconds East 88.81 feet to a point;
- 19) North 05 degrees 37 minutes 41 seconds East 75.35 feet to a point;
- 20) North 16 degrees 22 minutes 08 seconds East 41.62 feet to a point;
- 21) North 09 degrees 23 minutes 41 seconds East 86.80 feet to a point;
- 22) North 16 degrees 07 minutes 21 seconds East 128.40 feet to a point;
- 23) North 16 degrees 07 minutes 52 seconds East 108.11 feet to a point;
- 24) North 19 degrees 13 minutes 30 seconds East 92.46 feet to a point;
- 25) North 24 degrees 52 minutes 29 seconds East 71.08 feet to a point;
- 26) North 27 degrees 38 minutes 48 seconds East 159.94 feet to a point;
- 27) North 19 degrees 26 minutes 58 seconds East 192.53 feet to a point;
- 28) North 20 degrees 31 minutes 52 seconds East 124.89 feet to a point;
- 29) North 06 degrees 34 minutes 22 seconds East 46.81 feet to a point;
- 30) North 10 degrees 04 minutes 46 seconds East 202.73 feet to a point;
- 31) North 15 degrees 13 minutes 04 seconds East 120.42 feet to a point;
- 32) North 04 degrees 37 minutes 32 seconds East 99.60 feet to a point;
- 33) North 03 degrees 32 minutes 26 seconds West 109.60 feet to a point;
- 34) North 00 degrees 52 minutes 58 seconds East 146.03 feet to a point;
- 35) North 12 degrees 41 minutes 52 seconds West 145.03 feet to a point;
- 36) North 15 degrees 23 minutes 11 seconds West 366.88 feet to a point;
- 37) North 08 degrees 16 minutes 59 seconds West 107.78 feet to a point;
- 38) North 21 degrees 30 minutes 21 seconds West 110.63 feet to a point;

- 39) North 25 degrees 31 minutes 48 seconds West 167.98 feet to a point;
- 40) North 39 degrees 09 minutes 50 seconds West 177.02 feet to a point;
- 41) North 36 degrees 35 minutes 10 seconds West 238.85 feet to a point;
- 42) North 47 degrees 36 minutes 38 seconds East 17.16 feet to a point;
- 43) North 37 degrees 30 minutes 21 seconds West 212.04 feet to a point;
- 44) North 38 degrees 22 minutes 52 seconds West 101.25 feet to a point;
- 45) North 51 degrees 00 minutes 32 seconds West 133.31 feet to a point;
- 46) North 62 degrees 59 minutes 06 seconds West 70.29 feet to a point;
- 47) North 79 degrees 25 minutes 00 seconds West 179.65 feet to a point;
- 48) North 61 degrees 46 minutes 00 seconds West 49.35 feet to a point;
- 49) North 69 degrees 07 minutes 06 seconds West 110.21 feet to a point;
- 50) North 61 degrees 50 minutes 08 seconds West 161.61 feet to a point;
- 51) North 57 degrees 46 minutes 53 seconds West 113.46 feet to a point;
- 52) North 56 degrees 15 minutes 58 seconds West 55.53 feet to a point on the south line of the Ohio Central Railroad right of way;

thence along the line common to Tract Two of Five (OR 633-430 Exhibit B-1) and Tract Three of Five (OR 633-430 Exhibit C-1) the following two courses:

- 1) North 83 degrees 34 minutes 33 seconds East 1920.07 feet;
- 2) South 86 degrees 27 minutes 22 seconds East 5607.51 feet to a the principal place of beginning, containing 1045.537 acres more or less, excepting therefrom 9.835 acres in the New OPC Substation and 46.059 acres in All of the Remainder after the Unit 4 Split, resulting in a net area of 989.643 acres, of which 83.687 acres are in Fractional Section 18, and 905.956 acres are in Quarter Township 3, subject to all easements and right of ways, written or implied.

Iron pins set are 5/8 inch rebar, 30 inches long, with plastic identification caps.

Bearings are based on the Ohio State Plane Coordinate System, NAD 83, North Zone, Grid North, as per GPS observations.

EXCEPTION OF NEW OPC SUBSTATION AND 5' WORKING EASEMENT

There is excepted from the above described tract the New OPC Substation, more particularly described as follows;

Situated in the State of Ohio, County of Coshocton, Township of Franklin, and being part of Quarter Township 3, Township 4, Range 6, United States Military Lands, and being part of lands now or formerly owned by AEP Generation Resources, Inc. (OR 633-857 (43.5%) and OR 742-148 (40.0%)) and AES Ohio Merger Sub, LLC (OR 747-747 (16.5%)), and being a part of lands now or formerly owned by AEP Generation Resources, Inc. (OR 633-430), and being all of lands now owned by Ohio Power Company (DR 87-813 and OR 566-357), and being more particularly described as follows:

Beginning for reference at a concrete monument found on the southwest corner of Fractional Section 13, Township 4, Range 6, United States Military Lands;

thence along the south line of said Quarter Township 3 and the north line of lands now owned by Andrew S. and Lori A. Adams (OR 179-947) South 89 degrees 56 minutes 42 seconds West 797.09 feet to a 3/4 inch iron pipe found;

thence continuing along said Adams South 49 degrees 53 minutes 20 seconds West 16.50 feet to a 3/4 inch iron pipe found on the northeast line of lands now owned by Franklin Township Trustees (DR 320-414);

thence along said Trustees the following three courses:

- 1) North 40 degrees 09 minutes 11 seconds West 82.52 feet to a 3/4 inch iron pipe found;
- 2) South 49 degrees 50 minutes 49 seconds West 153.26 feet, passing a 5/8 inch iron pin found at 118.50 feet;
- 3) South 40 degrees 51 minutes 47 seconds East 214.00 feet to a point on the south line of Tract Two and the north line of Tract Three of lands now owned by AEP Generation Resources, Inc. (OR 633-430 and OR 775-1585 corrective deed);

thence along said common tract line, North 86 degrees 27 minutes 22 seconds West 5607.51 feet to the northernmost corner of excepted Parcel 1 from AEP Generation Resources, Inc. OR 633-430 and OR 775-1585 corrective deed;

thence leaving said common tract line and along the north line of said excepted Parcel 1, South 55 degrees 58 minutes 18 seconds West 113.50 feet;

thence along lands now owned by AEP Generation Resources, Inc. (OR 742-148 and OR 633-857) and AES Ohio Merger Sub, LLC (OR 747-747) the following four courses:

- 1) South 55 degrees 58 minutes 18 seconds West 373.00 feet to a point;
- 2) South 34 degrees 01 minutes 42 seconds East 396.00 feet to a point;
- 3) South 55 degrees 58 minutes 18 seconds West 37.00 feet to a point;
- 4) South 34 degrees 01 minutes 42 seconds East 235.23 feet to the northwest corner of Unit 4 Substation parcel, and the principal place of beginning, passing the Permanent East-West Baseline at 115.00 feet;

thence along the perimeter of lands that are comprised of said Ohio Power Company lands (i.e original OPC Substation), Survey 1, Survey 2 and the Unit 4 Substation the following ten courses:

- 1) North 56 degrees 02 minutes 58 seconds East 399.53 feet to an iron pin set;
- 2) South 58 degrees 45 minutes 10 seconds East 249.81 feet to a PK Nail set;
- 3) South 34 degrees 01 minutes 48 seconds East 340.40 feet to a PK Nail set;
- 4) South 55 degrees 46 minutes 34 seconds West 593.96 feet to an iron pin set;
- 5) North 34 degrees 01 minutes 42 seconds West 258.23 feet to an iron pin set;
- 6) South 55 degrees 42 minutes 32 seconds West 381.64 feet to an iron pin set;
- 7) North 34 degrees 08 minutes 42 seconds West 61.16 feet to a chain link fence corner post;
- 8) North 55 degrees 55 minutes 53 seconds East 67.30 feet to a point;
- 9) North 34 degrees 14 minutes 12 seconds West 252.74 feet to a PK Nail set;
- 10) North 56 degrees 02 minutes 58 seconds East 405.31 feet to the principal place of beginning, containing 9.835 acres, more or less, subject to all easements and right of ways, written or implied.

5' WORKING EASEMENT

There is appended to the above described New OPC Substation a 5' Working Easement, which covers the area 5 feet beyond the New OPC Substation boundary, and which the outside boundary of said 5' Working Easement is more particularly described as follows;

Beginning for reference at the principal place of beginning of said New OPC Substation;

thence North 34 degrees 01 minutes 42 seconds West 5.00 feet to the principal place of beginning of the outside boundary of said 5' Working Easement;

thence 5.00 feet distant and parallel to the New OPC Substation boundary the following ten courses:

- 1) North 56 degrees 02 minutes 58 seconds East 402.73 feet to a point;

- 2) South 58 degrees 45 minutes 10 seconds East 254.10 feet to a point;
- 3) South 34 degrees 01 minutes 48 seconds East 346.48 feet to a point;
- 4) South 55 degrees 46 minutes 34 seconds West 603.96 feet to a point;
- 5) North 34 degrees 01 minutes 42 seconds West 258.22 feet to a point;
- 6) South 55 degrees 42 minutes 32 seconds West 381.63 feet to a point;
- 7) North 34 degrees 08 minutes 42 seconds West 71.18 feet to a point;
- 8) North 55 degrees 55 minutes 53 seconds East 67.30 feet to a point;
- 9) North 34 degrees 14 minutes 12 seconds West 252.75 feet to a point;
- 10) North 56 degrees 02 minutes 58 seconds East 410.33 feet to the principal place of beginning.

**EXCEPTION OF ALL OF THE REMAINDER
AFTER UNIT 4 SPLIT**

AEP GENERATION RESOURCES, INC.

OR 633-857 (43.5%)

OR 742-148 (40.0%)

AES OHIO MERGER SUB, LLC

OR 747-747 (16.5%)

Situated in the State of Ohio, County of Coshocton, Township of Franklin, and being part of Quarter Township 3, Township 4, Range 6, United States Military Lands, and being the remainder of lands presently owned by AEP Generation Resources, Inc. (OR 633-857 (43.5%) and OR 742-148 (40.0%)) and AES Ohio Merger Sub, LLC (OR 747-747 (16.5%)), and being more particularly described as follows:

Beginning for reference at a concrete monument found on the southwest corner of Fractional Section 13, Township 4, Range 6, United States Military Lands;

thence along the south line of said Quarter Township 3 and the north line of lands now owned by Andrew S. and Lori A. Adams (OR 179-947) South 89 degrees 56 minutes 42 seconds West 797.09 feet to a 3/4 inch iron pipe found;

thence continuing along said Adams South 49 degrees 53 minutes 20 seconds West 16.50 feet to a 3/4 inch iron pipe found on the northeast line of lands now owned by Franklin Township Trustees (DR 320-414);

thence along said Trustees the following three courses:

- 1) North 40 degrees 09 minutes 11 seconds West 82.52 feet to a 3/4 inch iron pipe found;
- 2) South 49 degrees 50 minutes 49 seconds West 153.26 feet, passing a 5/8 inch iron pin found at 118.50 feet;
- 3) South 40 degrees 51 minutes 47 seconds East 214.00 feet to a point on the south line of Tract Two and the north line of Tract Three of lands now owned by AEP Generation Resources, Inc. (OR 633-430 and OR 775-1585 corrective deed);

thence along said common tract line, North 86 degrees 27 minutes 22 seconds West 5607.51 feet to the northernmost corner of excepted Parcel 1 from AEP Generation Resources, Inc. OR 633-430 and OR 775-1585 corrective deed;

thence leaving said common tract line and along the north line of said excepted Parcel 1, South 55 degrees 58 minutes 18 seconds West 113.50 feet to the northernmost corner of said AEP Generation Resources, Inc. and AES Ohio Merger Sub, LLC lands, and the principal place of beginning;

thence along said AEP Generation Resources, Inc. (OR 633-430 and OR 775-1585 corrective deed) the following eighteen courses:

- 1) South 34 degrees 01 minutes 42 seconds East 420.50 feet to a point;
- 2) South 55 degrees 58 minutes 18 seconds West 28.00 feet to a point;
- 3) South 34 degrees 01 minutes 42 seconds East 185.50 feet to a point;
- 4) North 55 degrees 58 minutes 18 seconds East 644.09 feet to a point;
- 5) South 44 degrees 05 minutes 31 seconds East 768.99 feet to a point;
- 6) South 25 degrees 58 minutes 18 seconds West 946.75 feet to a point;
- 7) South 64 degrees 01 minutes 42 seconds East 235.00 feet to a point;
- 8) North 25 degrees 58 minutes 18 seconds East 861.51 feet to a point;
- 9) South 44 degrees 05 minutes 31 seconds East 98.22 feet to a point;
- 10) South 29 degrees 14 minutes 17 seconds East 572.00 feet to a point;
- 11) South 37 degrees 35 minutes 19 seconds West 1236.64 feet to a point;
- 12) North 34 degrees 01 minutes 42 seconds West 218.00 feet to a point;
- 13) North 70 degrees 58 minutes 51 seconds West 416.70 feet to a point;
- 14) North 24 degrees 19 minutes 58 seconds West 201.88 feet to a point;
- 15) North 46 degrees 59 minutes 56 seconds East 153.88 feet to a point;
- 16) North 34 degrees 01 minutes 42 seconds West 507.00 feet to a point;
- 17) North 55 degrees 58 minutes 18 seconds East 102.00 feet to a point;
- 18) North 34 degrees 01 minutes 42 seconds West 184.32 feet to the southernmost corner of the Unit 4 Substation tract;

thence along the Unit 4 Substation the following four courses:

- 1) North 55 degrees 46 minutes 34 seconds East 466.53 feet to a PK Nail set;
- 2) North 34 degrees 01 minutes 48 seconds West 340.40 feet to a PK Nail set;
- 3) North 58 degrees 45 minutes 10 seconds West 249.81 feet to an iron pin set;
- 4) South 56 degrees 02 minutes 58 seconds West 399.53 feet to the northeast corner of lands now owned by Ohio Power Company (DR 87-813 and OR 566-357);

thence along said AEP Generation Resources, Inc. (OR 633-430 and OR 775-1585 corrective deed) the following four courses:

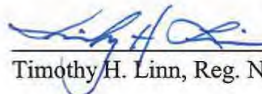
- 1) North 34 degrees 01 minutes 42 seconds West 235.24 feet to a point;
- 2) North 55 degrees 58 minutes 18 seconds East 37.00 feet to a point;
- 3) North 34 degrees 01 minutes 42 seconds West 396.00 feet to a point;
- 4) North 55 degrees 58 minutes 18 seconds East 373.00 feet to the principal place of beginning, containing 46.059 acres, more or less, subject to all easements and right of ways, written or implied.

Iron pins set are 5/8 inch rebar, 30 inches long, with plastic identification caps.

Bearings are based on the Ohio State Plane Coordinate System, North Zone, North American Datum 1983, as per GPS observations made on May 29, 2013.

This description is written based on field and record data and completed April 23, 2020 by Linn

Engineering, Inc.


Timothy H. Linn, Reg. No. 7113 Date 6/12/20



Parcel Number Summary:

Part of Tract Three of Five

Part of: 0100000081200 +- 1045.537 acres

Exception New OPC Substation +- 9.835 acres

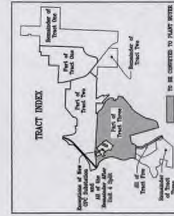
**Exception of All of the Remainder
After Unit 4 Split** +- 46.059 acres

Net Area +- 989.643 acres

Plat is on File in the County Engineer Survey Files.

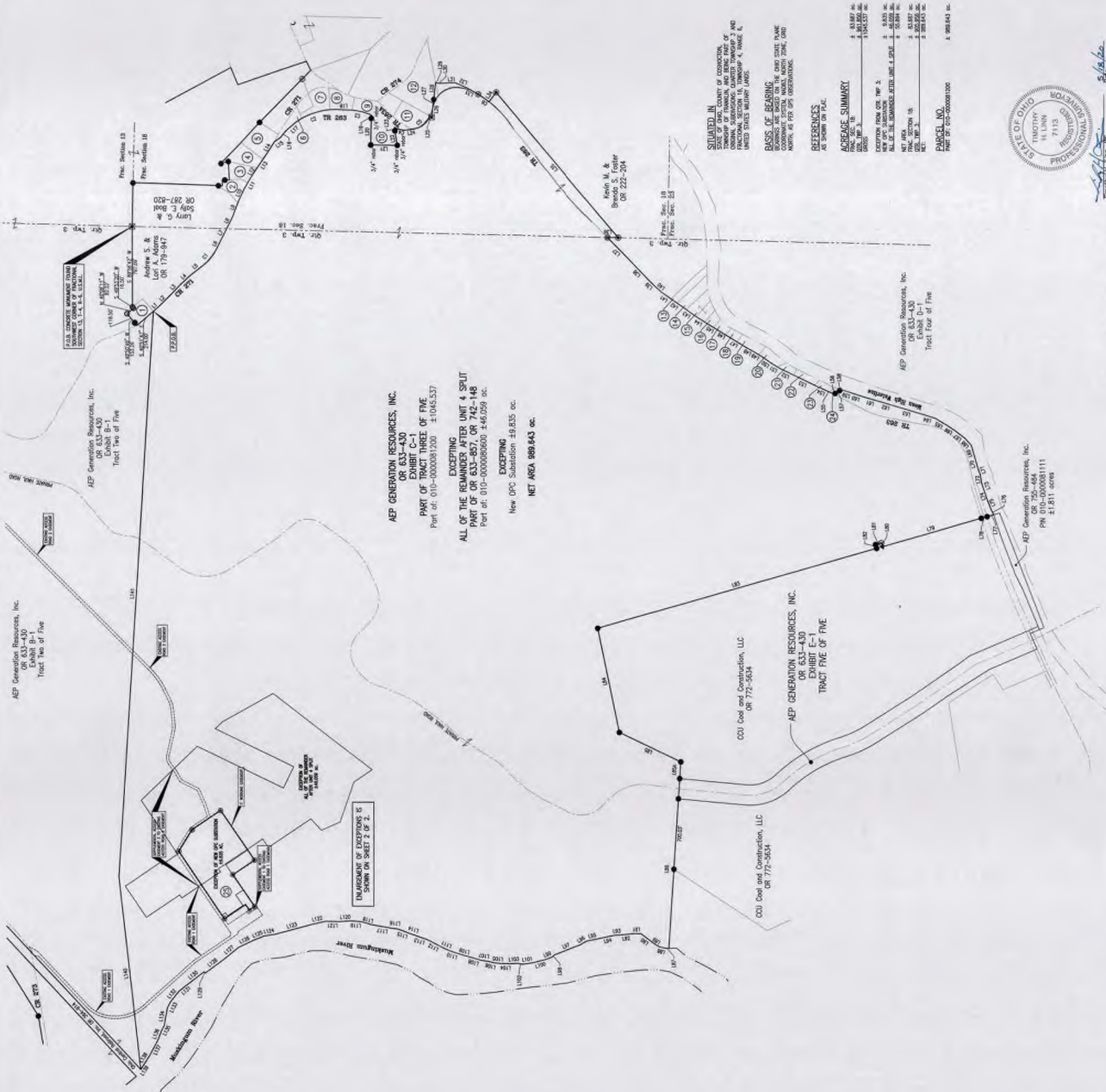
LEGEND

PIPE FOUND, 3/4" INODE DIAMETER	RAILROAD SPIKE SET
IRON PIN SET, 5/8" RESIDUE	RAILROAD SPIKE FOUND
IRON PIN FOUND, 5/8" RESIDUE	AXLE FOUND
PK NAIL SET	PLACE OF BEGINNING
CHAIN LINK FENCE CORNER POST	
WOODEN POST	
CONCRETE MONUMENT FOUND	
STONE FOUND	



Rev 2 5/15/20 per AD comments
Rev 1 5/7/20 per County comments

LE
Lion Engineering, Inc.
Civil Engineering Consultants
P.O. Box 1008 Fremont, Ohio 43750-2008
740-422-7444
43750-2008



Project No.: ADP-943

[illegible]

PART OF TRACT THREE OF FIVE				
COURSE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	487.18'	186.81'	S 51°44'45" E	186.67'
C2	876.00'	407.73'	S 18°11'55" E	401.57'
C3	592.60'	235.20'	S 12°25'46" W	233.66'
C4	177.73'	126.94'	S 12°57'19" W	124.26'
C5	198.53'	191.72'	S 40°46'18" E	189.65'
C6	1167.00'	137.36'	S 36°00'41" W	131.79'



2 5/15/20 per ASP comments
 1 5/7/20 per County comments
 Sheet 2 of 2

APPENDIX E

FINANCIAL ASSURANCE ESTIMATE

FGD ON-SITE LANDFILL				
FINAL CLOSURE COSTS				
CONESVILLE INDUSTRIAL PARK				
COSHOCOTON COUNTY, OHIO				
NOVEMBER 2020				
Acres to be closed	26.0	AC =	1,154,011	S.F.
ITEM	QUANTITY	UNIT	UNIT COST	EXTENDED COST
1. CAP SYSTEM				
a. Recompacted Soil Barrier (2-feet) - Onsite Material	83,893	C.Y.	\$7.85	\$658,562
b. Vegetative Layer (0.5-feet) - Onsite Material	20,973	C.Y.	\$7.85	\$164,640
a. Vegetation Layer - seeding	26	AC.	\$3,000	\$78,000
			Subtotal	\$901,202
2. SURFACE WATER CONTROL STRUCTURES				
a. E&S Controls	2,300	L.F.	\$5.50	\$12,500
			Subtotal	\$12,500
3. MISCELLANEOUS				
a. Access Roadway/Berm	1,400	L.F.	\$15.00	\$21,000
			Subtotal	\$21,000
4. CLOSURE CERTIFICATION REPORT AND RECORD DRAWINGS				
a. Construction Quality Assurance	26	AC.	\$10,000	\$260,000
b. Certification Survey	26	AC.	\$1,500	\$39,000
c. Certification Report	1	L.S.	\$20,000	\$20,000
			Subtotal	\$319,000
CLOSURE COST				\$1,253,702
10% CONTINGENCY				\$125,370
TOTAL CLOSURE COST				\$1,379,072

APPENDIX F

FGD LANDFILL CLOSURE BY REMOVAL SCHEDULE AND VOLUMES

FGD Landfill Closure By Removal Schedule

ID	Task Mode	Task Name	Duration	Start	Finish	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	Half 1, 2022	Half 2, 2022	Half 1, 2023
1		Mobilization	2 days	Fri 10/30/20	Mon 11/2/20																		
2		Site Preparation/SWPPP	10 days	Tue 11/3/20	Mon 11/16/20																		
3		Removal of Cap Phase 1	20 days	Tue 11/17/20	Mon 12/14/20																		
4		Excavation of FGD Material Phase 1	100 days	Tue 12/15/20	Mon 5/3/21																		
5		Removal of Cap Phase 2	20 days	Tue 5/4/21	Mon 5/31/21																		
6		Excavation of FGD Material Phase 2	140 days	Tue 6/1/21	Mon 12/13/21																		
7		Removal of Cap Phase 3	20 days	Tue 12/14/21	Mon 1/10/22																		
8		Excavation of FGD Material Phase 3	140 days	Tue 1/11/22	Mon 7/25/22																		
9		Removal of Cap Phase 4	20 days	Tue 7/26/22	Mon 8/22/22																		
10		Excavation of FGD Material Phase 4	100 days	Tue 8/23/22	Mon 1/9/23																		

Project: Conesville FGD Landfill Date: Wed 11/4/20	Task Split Milestone Summary	Project Summary Inactive Task Inactive Milestone Inactive Summary	Manual Task Duration-only Manual Summary Rollup Manual Summary	Start-only Finish-only External Tasks External Milestone	Deadline Progress Manual Progress
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CONESVILLE FIVE POINTS PHASE III
SUMMARY OF REMAINING CCB VOLUMES
(Through October 2020)

PHASE III LOCATION	Design Quantity ¹ (tons)		Placed Quantity ² (tons)		Estimated Remaining Capacity ³ (tons)	
	Total	FGD	CCB Fill	Total	FGD	CCB Fill
EAST	2,265,000	520,000	1,745,000	749,733	403,023	346,710
WEST	1,040,000	300,000	740,000	691,693	451,243	240,450
TOTAL	3,305,000	820,000	2,485,000	1,441,426	854,266	587,160
					1,515,267	1,398,290
					348,307	499,550
					1,863,574	1,897,840

- Notes:
1. Quantities based on design drawings C-101 and C-107
 2. Quantities based on AEP reported annual waste volumes through October 2020.
 3. Total include FGD and Limestone FGD. Remaining FGD and CCB quantities do not reflect FGD that may have been used as CCB fill. Therefore, these are general approximations.