



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.
SEP 28 2015

ENTERED DIRECTOR'S JOURNAL

SEP 28 2015

Toby L. Thomas
AEP Generation Resources, Inc.
155 West Nationwide Blvd., Suite 500
Columbus, OH 43215

Re: AEP Generation Resources, Inc.
Permit – Short Term
Approval
Beneficial Use
Coshocton County
BENU020786

**Subject: AEP Generation Resources, Inc. – AEP Conesville Plant
Land Application Management Plan Permit Approval
FGD Gypsum**

Effective Date: September 28, 2015

Expiration Date: September 27, 2020

Dear Mr. Thomas:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the land application management plan (LAMP) permit application submitted on December 15, 2014 by Beneficial Reuse Management (BRM) on behalf of AEP Generation Resources, Inc. (AEP), regarding the American Electric Power Conesville Plant (Conesville Power Plant), pursuant to Chapters 6111 and 3734 of the Ohio Revised Code (ORC), for the proposed beneficial use of flue gas desulfurization gypsum (FGD gypsum) generated by the Conesville Power Plant, located at 47201 County Road 273, Conesville, Ohio. The submitted LAMP permit application proposes to beneficially use FGD gypsum as an agricultural soil amendment and nutrient source. AEP or its marketer will transport the FGD gypsum directly to the FGD gypsum end user locations in Ohio or to locations in Ohio where it will be unloaded and stored temporarily at distribution sites. From these locations the FGD gypsum will be transported to and distributed by the owner/operator of the farms or the companies contracted by the receiving farm for distribution. Pursuant to the authority of the Director of Ohio EPA (Director) under ORC Chapters 6111 and 3734, this LAMP permit for the Conesville Power Plant is approved subject to compliance with all conditions below.

Conditions

1. This LAMP permit authorizes beneficial use of FGD gypsum from the Conesville Power Plant as an agricultural soil amendment and nutrient source in accordance with the LAMP permit application submitted on December 15, 2014, which is

incorporated herein by reference. All other beneficial uses must be separately approved by Ohio EPA. Only FGD gypsum from the Conesville Power Plant, as identified in this LAMP permit, is eligible for beneficial use under this permit.

2. AEP shall provide a copy of this LAMP permit and Sections 4 and 5 of the LAMP permit application to the recipient of any FGD gypsum intended for beneficial use.
3. The Director, or his authorized representative(s), may enter the site(s) authorized for land application of FGD gypsum at any reasonable time for the purpose of conducting inspections, collecting samples of FGD gypsum, or conducting tests pertaining to the beneficial use of FGD gypsum from the Conesville Power Plant as an agricultural soil amendment.
4. Issuance of this LAMP permit does not relieve AEP of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations, except as exempted herein.
5. AEP shall notify Ohio EPA of any substantial change in the generating process or the raw materials used in the generating process of the FGD gypsum. Under such circumstances, the Director may request that AEP submit a revised LAMP permit application for approval. For the purposes of this LAMP permit, a substantial change in the raw materials is a change to a lower quality fuel or a lower quality limestone which may result in FGD gypsum with additional constituents or a higher concentration of constituents.
6. The following shall be maintained by AEP for a minimum of five years after the beneficial use of the FGD gypsum and made available to Ohio EPA upon request:
 - a. Records identifying the recipients or distributors of FGD gypsum and the volume provided to each recipient or distributor for beneficial use during the previous year;
 - b. A sampling plan detailing where samples of FGD gypsum are to be collected, how those samples are to be collected, how frequently those samples are to be collected, and a list of constituents that are used to analyze the samples;
 - c. All laboratory reports of all analyses of the FGD gypsum.
7. AEP shall collect and analyze at least one sample per year of the FGD gypsum intended for beneficial use and AEP shall collect and analyze additional samples if there are substantial changes in the generation process or the raw materials used.
 - a. The samples collected shall be representative of the FGD gypsum beneficially used for the calendar year.
 - b. AEP shall have the sample(s) analyzed for the constituents listed in the table in Condition 8.
 - c. The reported detection limit for the analysis shall be below the limit specified for each constituent in the table in Condition 8.
 - d. AEP shall employ analytical methods that generate constituent results in units consistent with the units in the table in Condition 8.

8. AEP shall not designate, make available, or distribute for beneficial use any FGD gypsum that exceeds any limits for the specified constituents listed in the following table.

Constituent	Total (mg/kg)*
Arsenic	41
Barium	15,000
Beryllium	160
Boron	16,000
Cadmium	39
Chromium, total	180,000
Copper	1,500
Lead	300
Mercury	10
Molybdenum	75
Nickel	420
Selenium	100
Thallium	0.78
Zinc	2,800

* - dry weight basis

9. Ohio EPA reserves the right to add constituents to the table in Condition 8 as it deems necessary.
10. AEP shall analyze the FGD gypsum for the constituents necessary for users to determine the appropriate maximum agronomic application rate as determined by a qualified agronomist and/or soil test analysis.
11. By January 31 of each year, AEP shall submit a report regarding the beneficial use of the FGD gypsum for the previous calendar year. The annual report shall include the total amount, in tons, of FGD gypsum sold or distributed for beneficial use and the analytical results for any analyses performed pursuant to Condition 7.
12. In the Annual Report, AEP shall include the following annual certification statement. The certification statement shall be printed out and signed beginning one year after the effective date of this approval and annually thereafter:

"I certify, under penalty of law, that the information used to determine compliance with the requirements contained in Chapters 3734 and 6111 of the Ohio Revised Code, and all rules thereunder, for the period beginning (insert date of last certification statement) and ending (insert current certification statement date) was prepared under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly

gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

13. The certification statement shall be signed by one of the following persons: in the case of a corporation, by a principal executive officer of at least the level of vice president or the principal executive officer's duly authorized representative, if such representative is responsible for the overall operation of the facility; in the case of a partnership, a general partner; and in the case of a sole proprietorship, the proprietor. The signature shall constitute personal affirmation that all statements or assertions of fact in the records are true and complete and comply fully with applicable state requirements and shall subject the signatory to liability under ORC Section 2921.13.
14. The annual report shall be sent to the following address:

Ohio EPA - DMWM
Reporting, Analysis and Data Management Unit
P.O. Box 1049
Columbus, OH 43216-1049

15. Storage and beneficial use of the FGD gypsum shall not create a nuisance and shall not adversely affect public safety or health or the environment. Should a nuisance condition develop, or a determination be made by Ohio EPA that storage or beneficial use of FGD gypsum is a threat to human health or the environment, then this LAMP permit may be revoked upon written notification from the Director. Immediately upon the effective date of any such revocation, beneficial use of FGD gypsum from the Conesville Power Plant under this LAMP permit shall cease.
16. The Director shall be notified in writing within seven days if AEP discovers noncompliance with this LAMP permit. The Director may add, delete, or change any conditions to this LAMP permit to protect human health or the environment.
17. This LAMP permit to beneficially use FGD gypsum from the Conesville Power Plant shall expire at midnight on the expiration date shown above. In order to receive authorization to beneficially use FGD gypsum beyond the above date of expiration, AEP shall submit such information and forms as are required by Ohio EPA no later than 180 days prior to the above date of expiration.

The FGD gypsum shall be beneficially used in strict accordance with the conditions of this LAMP permit and as outlined in the LAMP permit application submitted for this approval to the Director. Approval of this LAMP permit does not constitute an assurance that use of the FGD gypsum in accordance with the approved LAMP permit will be in compliance with all Ohio laws and regulations.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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 which the Commission, in its discretion, may reduce 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,

A handwritten signature in black ink, appearing to read "Craig W. Butler". The signature is stylized and cursive.

Craig W. Butler
Director

PC

cc: Jason Sparks, Beneficial Reuse Management/Gypsoil, LLC