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By: *Kathy A. Mitchell* 2-18-11

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**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

American Electric Power :  
Conesville Plant :  
Attn: Thomas E. Webb :  
1 Riverside Plaza :  
Columbus, Ohio 43215-2373 :

Director's Final Findings  
and Orders

ENTERED DIRECTOR'S JOURNAL

FEB 18 2011

OHIO E.P.A.

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to American Electric Power ("AEP") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and Ohio Administrative Code ("OAC") Rule 3745-27-03(B).

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon AEP and successors in interest liable under Ohio law. No change in ownership of AEP or of the Facility, as hereinafter defined, shall in any way alter AEP's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

**IV. FINDINGS**

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

1. AEP Conesville Plant ("Facility") is a coal-fired electricity generating power plant located at 47201 County Road 273, Conesville, Coshocton County, Ohio.
2. On December 13, 2010, Ohio EPA received a request from AEP dated December 8, 2010, for a temporary exemption from the requirement to apply for and obtain a PTI modification for an air contaminant source in order to conduct an operational trial and test burns utilizing an alternative fuel source within the Facility's generating Units 3 and 6.
3. AEP plans to use a mixture of an engineered fuel from Envision Holdings (consisting of a mixture of light paper and film plastic from municipal solid waste) and coal as an alternative fuel source for an operational trial period and test burns at the Facility.
4. On January 4, 2011, Ohio EPA received a request from AEP dated December 21, 2010 for exemption, pursuant to ORC Section 3734.02(G), from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734 in order to conduct the engineered fuel test burns.
5. On February 14, 2011, Ohio EPA granted AEP temporary exemption to conduct engineered fuel test burns at the Facility.
6. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
7. To the extent that the use of this alternative fuel source would require AEP to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder, or comply with OAC Chapters 3745-27 and 3745-37 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility, the Director has determined that issuance of an exemption to AEP from those requirements so that AEP may use the engineered fuel and coal mixture at the Facility, as approved by Ohio EPA on February 14, 2011, is unlikely to adversely affect the public health or safety or the environment.

#### **V. ORDERS**

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), AEP is hereby exempted from the requirements to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder, or comply with OAC Chapters 3745-27 and 3745-37 pertaining to operation and final closer of a solid waste incinerator or

solid waste energy recovery facility, in order to conduct engineered fuel test burns, provided AEP complies with the Ohio EPA authorization dated February 14, 2011.

2. This exemption shall expire on February 14, 2012.

#### **VI. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action, or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the Facility.

#### **VII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to AEP or the Facility.

**IT IS SO ORDERED:**

**Ohio Environmental Protection Agency**



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Scott J. Nally  
Director