



State of Ohio Environmental Protection Agency

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OHIO ENVIRONMENTAL PROTECTION AGENCY PERMIT-TO-INSTALL

Application Number: 05-12631
Application Received: March 21, 2003
Permit Fee: \$2,740.00
Permit Fee Balance: \$2,340.00

Applicant: Cinergy Corp.
Address: 149 East Fourth Street
Cincinnati, Ohio 45202

Facility: William H. Zimmer Residual Waste Landfill
Location: This facility is located near the City of Moscow in Washington Township,
Clermont County, Ohio.

Permit: Vertical and Lateral Expansion & Other Modifications

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit approval (permit-to-install) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit approval does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

Ohio Environmental Protection Agency

Joseph P. Koncelik, Director

PERMIT SUMMARY

This permit approval (PTI Number 05-12631) authorizes the vertical and lateral expansion of the William. H. Zimmer Residual Waste Landfill (Landfill Facility) located in Clermont County. This Landfill Facility is owned and operated by Cinergy, Corp. and is located off State Route 756, east of Moscow, Ohio.

The Landfill Facility is comprised of approximately 680 acres with 323 acres permitted for waste placement. Waste accepted primarily consists of flue gas desulfurization wastes from the William H. Zimmer Electric Generating Station. The maximum expected life of the facility is 25 years, and this modification expands the approved limits of waste placement to incorporate 274,000 cubic yards of additional waste capacity.

This permit approval includes an exemption, pursuant to OAC Rule 3745-27-03(B), from the requirement of OAC Rule 3745-30-14(K)(3) to annually inspect the leachate collection pipes for clogging or crushing. This exemption is issued subject to conditions that require the granular leachate drainage media to have sufficient permeability to convey any leachate to the collection system in the event a leachate pipe becomes crushed or clogged.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, this permit approval.

PERMIT CONDITIONS

1. The director, or an authorized representative, may enter upon the premises of the above named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants (Landfill Facility).
2. The proposed facility shall be constructed in strict accordance with the plans,

specifications, and information submitted as part of the application for this permit to the director. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities and/or landfill components shall be installed upon orders of Ohio EPA if the proposed Landfill Facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit approval does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit approval shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 05-12631.
5. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-30 applicable to this residual waste landfill facility.
6. The permittee shall provide for the proper maintenance and operation of the Landfill Facility in accordance with the provisions of OAC Chapter 3745-30.
7. Nothing in this permit approval shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations except as specified herein. This permit approval shall not be interpreted to release the permittee from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.
8. This permit approval does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
9. Not later than seven (7) days prior to starting any construction authorized under this permit approval, the permittee shall submit to Ohio EPA, Southwest District Office (SWDO) and the Clermont County Health Department written notification of the anticipated construction start date, so that construction of the Landfill Facility can be routinely inspected by Ohio EPA, SWDO and the Clermont County Health Department before being placed into

operation.

10. The permittee shall provide for the following inspections and maintenance of the Landfill Facility:
 - a. The permittee shall provide for daily inspection of the Landfill Facility and completion of the Daily Inspection Checklist and the Residual Solid Waste Disposal Facility Daily Log of Operations as specified in the PTI application Volume I, Section 7.0. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, SWDO and the Clermont County Health Department, upon request.
 - b. The permittee shall inspect surface water control structures, including the sedimentation basin, sedimentation basin discharge structures, pipes, ditches, and culverts, at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken if necessary. A log including inspection results, any corrective measures taken, and the date and weather conditions during any water quality sampling shall be maintained and submitted to Ohio EPA, SWDO or the Clermont County Health Department, upon request.
 - c. To ensure proper operation of the sedimentation basin, the permittee shall clean out the basin as specified in the PTI application, Volume I, Section 7.0, or when the volume of the settled particles necessitates cleaning based either on inspection results or to maintain the storage volume required by OAC Rule 3745-30-07(C)(4)(d).
11. The permittee shall perform the following activities during construction and operation of the Landfill Facility in accordance with the cited provisions of OAC Chapter 3745-30.
 - a. The test pad required by OAC Rule 3745-30-07(F)(1) shall be constructed, and a report containing the test results shall be submitted to Ohio EPA, SWDO not later than fourteen (14) days prior to the initial construction date of the landfill component that the test pad models.
 - b. The earthen materials test required by OAC Rule 3745-30-07(D) shall be performed, and the results submitted to Ohio EPA, SWDO not later than seven (7) days prior to the intended use of the material in construction.
 - c. The construction certification report required by OAC Rule 3745-30-07(B) shall be submitted to Ohio EPA, SWDO not later than forty-five (45) days prior to the anticipated date of waste receipt in the newly constructed sequence(s). The

permittee shall not accept waste in a sequence until Ohio EPA, SWDO provides written concurrence of the construction certification report for that sequence.

12. The permittee shall not conduct leachate recirculation at the Landfill Facility without prior written approval from Ohio EPA.
13. The permittee shall annually review and evaluate the final closure and post-closure cost estimates and make any appropriate revisions to these cost estimates and to the financial assurance instrument whenever a change in the final closure or post-closure care activities increases the cost of the final closure and post-closure care. Such revisions shall, at a minimum, include adjustments for inflation.
14. The permittee shall continue to comply with all existing applicable authorizing actions for the Landfill Facility. However, the design, construction, operation, closure, and post-closure activities authorized by this permit (PTI 05-12361) as set forth in the plans, specifications, and information submitted in the application for this permit, and the conditions set forth in this permit, shall take precedence over any conflicting plans, specifications, information, or conditions.
15. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$2,340.00 payable to "Treasurer, State of Ohio", shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within thirty (30) days of the effective date of this permit approval. Failure to timely submit the required fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF PERMIT CONDITIONS

EXEMPTION

OAC Rule 3745-30-14(K)(3) requires the owner or operator to annually inspect the leachate collection pipes for clogging or crushing.

Pursuant to OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment, from any requirement to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

The permittee has demonstrated that granting an exemption from OAC Rule 3745-30-14(K)(3) is

unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to OAC Rule 3745-27-03(B), the permittee is hereby granted an exemption from the requirements of OAC Rule 3745-30-14(K)(3) to annually inspect the leachate collection pipes for clogging or crushing. As part of this exemption, the permittee shall comply with the following conditions:

1. The permittee shall ensure that the permeability of the granular leachate drainage media will be not less than 5×10^{-3} cm/s.
2. In each certification report submitted pursuant to OAC Rule 3745-30-07(B), which contains information regarding construction and/or installation of the leachate collection component of the landfill, the permittee shall provide sufficient information to demonstrate compliance with the minimum permeability standard set forth herein.