



OHIO E.P.A.

SEP -4 2013

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

ENTERED DIRECTOR'S JOURNAL

CERTIFIED

Dayton Power and Light Company – J.M. Stuart Station
Attn: Mr. Craig Spangler
U.S. Route 52
Aberdeen, OH 45101

Re: Permit for Land Application Management Plan to Use FGD Gypsum as an Agricultural Soil Amendment

Application Received: July 19, 2013

Issuance Date: September 4, 2013

Effective Date: September 4, 2013

Expiration Date: September 3, 2018

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Joseph Lasser Date: 9-4-13

Dear Mr. Spangler:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the land application management plan (LAMP) permit application received July 19, 2013 (DP&L Application) submitted by Beneficial Reuse Management, LLC/Gypsoil on behalf of Dayton Power and Light Company (DP&L) pursuant to Chapter 6111 of the Ohio Revised Code (ORC) for the proposed beneficial use of flue gas desulfurization (FGD) gypsum generated by DP&L J.M. Stuart Station in Aberdeen, Ohio (Facility). The submitted LAMP permit application proposes to beneficially use FGD gypsum, which consists of calcium sulfate dehydrate from flue gas desulfurization, as an agricultural soil amendment that will be applied directly to agricultural lands in the state of Ohio.

Pursuant to the authority of the Director of Ohio EPA (Director) under ORC Chapter 6111, the LAMP permit application for DP&L received July 19, 2013 is approved subject to compliance with all of the conditions below. Further, I have determined that granting an exemption from the applicable solid waste provisions of ORC Chapter 3734 to use FGD gypsum, in the quantities and under the circumstances specifically authorized in this LAMP permit, is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), DP&L and any recipient of FGD gypsum under this LAMP permit are hereby exempted from the applicable solid waste provisions of ORC Chapter 3734 and rules adopted thereunder specific to the land application of FGD gypsum as authorized in this LAMP permit.

CONDITIONS

1. The DP&L LAMP permit is approved for the beneficial use of FGD gypsum generated by the Facility as an agricultural soil amendment to serve as a source of calcium and sulfur in accordance with the LAMP submitted on July 19, 2013, which is attached and incorporated herein. All other beneficial uses must be separately approved by Ohio EPA. Only FGD gypsum from the Facility, as identified in this LAMP, is eligible for beneficial use under this permit.
2. The Director, or his authorized representative(s), may enter upon the Facility at any reasonable time for the purpose of conducting inspections, collecting samples of FGD gypsum, conducting tests, or examining records or reports pertaining to the generation or beneficial use of FGD gypsum from the Facility as an agricultural soil amendment.
3. Issuance of this LAMP permit does not relieve DP&L of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations except as authorized herein.
4. DP&L shall notify Ohio EPA if DP&L anticipates a substantial change in, or does substantially change, the generating process or the raw materials used in the generating process of the FGD gypsum. This LAMP permit does not authorize beneficial use of FGD gypsum generated by the substantially changed process or raw materials unless authorized by Ohio EPA based on review of characterization data of FGD gypsum generated under the changed process or raw materials. Under such circumstances, the Director may request that DP&L 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 results in FGD gypsum with additional pollutants or a higher concentration of pollutants.
5. The following shall be maintained by DP&L for a minimum of five years after the beneficial use of the FGD gypsum and made available to Ohio EPA upon request:
 - a. Records of the annual volume of FGD gypsum that is beneficially used;
 - b. Records identifying the recipients or distributors of FGD gypsum and the volume provided to each recipient or distributor during the previous year;
 - c. 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 parameters that are used to characterize the samples, as required in Conditions 6 through 9;
 - d. All laboratory reports of all characterizations of the FGD gypsum.

6. DP&L shall collect and analyze at least one sample per year of the FGD gypsum intended for beneficial use and DP&L 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. DP&L shall have the sample(s) analyzed for the pollutants listed in the table in Condition 7.
 - c. The reported detection limit for the analysis shall be below the limit specified for each pollutant in the table in Condition 7.
 - d. DP&L shall employ analytical methods that generate pollutant results in units consistent with the units in the table in Condition 7.

7. At a minimum, the FGD gypsum intended for beneficial use shall be analyzed for the pollutants specified in the following table. DP&L shall not designate, make available, or distribute for beneficial use any FGD gypsum that exceeds any pollutant(s) specified in the following table.

Total Limits (dry weight basis)	
Pollutant	Beneficial Use Limit (mg/kg)
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	10
Molybdenum	75
Nickel	420
Selenium	100
Zinc	2,800
Barium	15,000
Beryllium	160
Chromium, Total	180,000
Thallium	0.78
Boron	16,000

8. Ohio EPA reserves the right to add pollutants to this list as it deems necessary.

9. DP&L shall analyze the FGD gypsum for the parameters necessary for users to determine the appropriate maximum agronomic application rate as determined

by a qualified agronomist and/or soil test analysis. The maximum agronomic application rate shall not exceed the rate specified in the approved LAMP permit of two tons per acre per year.

10. Each year DP&L 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 analysis(es) performed pursuant to Condition 6.
11. DP&L shall include in the annual report required in Condition 10 the following:

"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."

12. 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. 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.
13. The annual report shall be sent to the following address:

Ohio EPA
Division of Materials & Waste Management - AAEU
P.O. Box 1049
Columbus, OH 43216-1049

14. Storage and beneficial use of the FGD gypsum shall not create a nuisance and shall not adversely affect public health or safety or the environment. Should a nuisance condition develop, or a determination be made by Ohio EPA that storage or land application of FGD gypsum is a threat to public health or safety or the environment, this LAMP permit to beneficially use the FGD gypsum may be revoked upon written notification from the Director. Immediately upon the effective date of any such revocation, DP&L shall cease distribution of the FGD gypsum for beneficial use under this LAMP permit. Furthermore, storage or beneficial use of FGD gypsum that creates a nuisance or adversely affects public

- health or safety or the environment may subject DP&L and/or the user to enforcement by Ohio EPA.
15. DP&L shall notify Ohio EPA in writing not later than seven days after discovering noncompliance with this LAMP permit.
 16. DP&L shall supply distributors and end users with a copy of this LAMP permit approval.
 17. The Director may add, delete, or change any conditions of this LAMP permit to protect public health or safety or the environment.
 18. This permit to beneficially use FGD gypsum shall expire at midnight on the expiration date shown above. In order to renew the permit to beneficially use FGD gypsum beyond the above date of expiration, DP&L shall submit such information and forms as are required by Ohio EPA not later than 90 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 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, 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:

DP&L
Land Application Management Plan – FGD gypsum
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Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,



Scott J. Nally
Director

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Attachment: LAMP

cc: Jeff Hurdley, Legal, CO
Bill Fischbein, Legal, CO
Rich Fox, DMWM, SEDO
Barbara Bradley, Gallia County General Health District