

ATTACHMENT 9
Past Performance Information
Special Waste Landfill Permit
Big Sandy Plant – Ash Pond Closure
Lawrence County, Kentucky

Pursuant to Kentucky Revised Statutes (KRS) 224.40-330(4), KDEP Form 7094J is attached citing the applicable personnel for the Past Performance Information.



ENERGY AND ENVIRONMENT CABINET

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
200 FAIR OAKS, 2ND FLOOR
FRANKFORT, KY 40601
TELEPHONE NUMBER (502) 564-6716**

**Applicant Disclosure Statement
for a Special Waste Facility
Form DEP 7094J (11/08)**

GENERAL INSTRUCTIONS

- 1. APPLICABILITY - KRS 224.40-330(1) and (3) requires applicants and all key personnel, as defined in KRS 224.01-010(44), to submit past performance information prior to the issuance or transfer of a waste permit. Part A of this form is to be completed by the applicant. Part B of this form is to be completed by each person meeting the definition of key personnel. Part B may be copied as needed to provide one form for each person.**
- 2. PREPARATION - Questions regarding this application form may be directed in writing to the Division of Waste Management, Solid Waste Branch, at the address provided above.**

- 3. SUBMISSION - Submit the original and three (3) copies of the completed form to the Division of Waste Management at the address provided above. The application for a permit for which this form is being executed shall not be deemed complete until this form is submitted.**

- 4. LAWS AND REGULATIONS - Applicants are expected to understand and comply with all laws and regulations applicable to this form. The requirement to submit this information is specified in KRS 24.40-330(1) and (3). Key personnel is defined in KRS 224.01-010(44). The term “person” is defined in KRS 224.01-010(17).**

To assist you in the submittal of a complete and accurate application, the Division has identified the most common errors made in the review process. These errors are listed below for your convenience.

- 1. Failure to complete the application. All maps, attachments, and supplemental data must be submitted with this application.**

- 2. Failure to comply with public notice requirements. See KRS 224.40-310 and 401 KAR 47:140, Section 7 for more information.**

- 3. Failure to comply with Financial Assurance requirements. If the existing financial assurance is insufficient to fully cover current closure and post-closure costs, updates will be required.**

- 4. Failure to properly sign and notarize the application. An individual with signature authority for the applicant as defined by KRS 224.01-010(44) and 401 KAR 47:160 must sign and notarize the appropriate signature sections of the application.**

- 5. Failure to provide appropriate, fully completed attachments. Maps, drawings, narratives or any attachments that lack sufficient detail or drawings that are not signed, dated and sealed by a professional engineer or geologist may cause delays in the review and approval of the application.**

Part A: Past Performance for Applicant

1. Applicant's complete name: Kentucky Power Company

2. Social Security Number/State of Incorporation or Application: Kentucky

3. Applicant's Business Address: 1 Riverside Plaza

City: Columbus

State: Ohio

Zip Code: 43215

4. Applicant's Mailing Address: Same As Above

City: _____

State: _____

Zip Code: _____

5. List the names of all "Key Personnel" as defined by KRS 224.010(44), and their positions and titles. (Attach additional sheets if necessary and label as **Attachment 1**. Each Key Person listed must submit Part B of this form.)

Key Person	Title/Position
(1) <u>Robert P. Powers</u>	<u>Executive Vice President and Chief Operating Officer, AEP</u>
(2) <u>Greg Pauley</u>	<u>President and Chief Operations Officer, Kentucky Power Company</u>
(3) _____	<u>Vice President, Kentucky Power Company</u>
(4) _____	<u>Vice President, Kentucky Power Company</u>
(5) <u>Aaron Sink</u>	<u>Plant Manager, Big Sandy Power Plant</u>
(6) _____	_____
(7) _____	_____
(8) _____	_____
(9) _____	_____
(10) _____	_____
(11) _____	_____
(12) _____	_____
(13) _____	_____
(14) _____	_____
(15) _____	_____
(16) _____	_____
(17) _____	_____
(18) _____	_____



6. Have any civil or administrative complaints been brought or filed against the APPLICANT for the violation of any state or federal environmental protection law which resulted in a fine or penalty greater than one thousand dollars (\$1,000) within five (5) year period immediately preceding the submission date of the APPLICANT'S permit application? YES _____ NO X

If yes, describe each civil or administrative complaint which resulted in the fine or penalty.

Include in the description the style of the complaint; the case, file or other identifying number; the identity of all parties named in the complaint; the forum in which the complaint was filed; the identity of each state or federal agency involved with or named in the complaint; the amount of the fine(s) or penalty(s); whether the fine or penalty has been paid; the identity and a description of each law or regulation violated or alleged to have been violated and upon which the fine(s) or penalty(s) is/are based; and state whether the fine was a result of a settlement or agreed order, an administrative order, or a court judgment. If litigation is ongoing, describe any orders or judgments entered and describe the current status of the litigation. Attach additional sheets if necessary and label as **Attachment 2.** N/A

7. Have any civil administrative complaints been brought or filed against the APPLICANT which allege that an act or omission that constitutes a violation of a state or federal environmental protection law or regulation presented a substantial endangerment to public health or to the environment?

YES _____ NO X

If yes, describe each civil or administrative complaint containing the allegation of the act or omission presenting a substantial endangerment to public health or to the environment.

Each description shall include at a minimum the following: the style of the complaint; the case, file or other identifying number; the identity of each party to the complaint; the forum in which the complaint was filed; the identity of each state or federal agency involved with or named in the complaint; an explanation of the alleged act or omission; the identity and a description of the environmental protection law or regulation violated or alleged to have been violated; an explanation of all corrective action measures performed to correct or mitigate the alleged violation(s); a description of the alleged endangerment to public health or to the environment; and state whether the issues raised in the complaint have been resolved, and if so, whether the resolution was the result of a settlement or

agreement, an administrative order or a court order or judgment. If litigation on the allegation(s) is ongoing, describe any orders or judgments entered and describe the present status of the litigation. Attach additional sheets if necessary and label as

Attachment 3. [REDACTED]

8. Describe all pending criminal complaints which allege the APPLICANT'S violation of a state or federal environmental protection law or regulation. If none, write **NONE**. Each description must include at a minimum the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation(s) is a misdemeanor or a felony, and all actions and pleadings which have occurred or been filed in association with the complaint. Criminal complaints filed more than five years prior to the date of submission of the APPLICANT'S permit application need not be listed. Attach additional sheets if necessary and label as **Attachment 4.** [REDACTED]

IN RESPONSE TO ITEMS 9 AND 10, EACH DESCRIPTION GIVEN MUST INCLUDE AT A MINIMUM THE FOLLOWING: STYLE, CASE NUMBER; FORUM IN WHICH CONVICTION ENTERED; DATE OF JUDGEMENT; SENTENCE IMPOSED; THE IDENTITY AND DESCRIPTION OF EACH LAW APPLICANT WAS CONVICTED OF VIOLATING; WHETHER THE CONVICTION WAS THE RESULT OF A PLEA AGREEMENT OR A TRIAL; AND, IF CURRENTLY ON APPEAL, THE STATUS OF THE APPEAL. ATTACH ADDITIONAL SHEETS IF NECESSARY AND LABEL AS **ATTACHMENTS 5 AND 6.**

9. Describe all judgments of criminal conviction entered against the APPLICANT for the violation of any state or federal environmental protection law or regulation. Convictions entered more than five (5) years before the submission date of the APPLICANT'S permit application need not be listed. _____

10. Describe all judgments of criminal conviction of a felony under the laws of any state or of the United States that have been entered against the APPLICANT within the five (5) year period preceding the date of submission of the APPLICANT'S application.

Ownership Information
Certification

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted in, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations.”

Signature: _____

Type or print name: _____

Official Position: _____

Date: _____ - _____ - _____

Subscribed and sworn to before me by _____

this the _____ day of _____, 20____.

Notary Public, State-at-Large _____

My commission expires the _____ day of _____, 20____.

Ownership Information

PART B

PAST PERFORMANCE INFORMATION FOR KEY PERSONNEL

11. Complete Name: _____

12. Business Address: _____

13. City: _____

14. State: _____

15. Zip Code: _____

16. Mailing Address: _____

17. City: _____

18. State: _____

19. Zip Code: _____

Ownership Information

Type of Person (KRS 224.01-010 (17))

20. Describe the relationship between the applicant and the person completing this Part B attachment that establishes the person as a key personnel of the applicant. _____

21. Have any civil administrative complaints been brought or filed against you that alleges that an act or omission that constitutes a violation of a state or federal environmental protection law or regulation presented a substantial endangerment to public health or to the environment?

YES _____ NO _____

If yes, describe each civil or administrative complaint containing the allegation of the act or omission presenting a substantial endangerment to public health or the environment.

Each description shall include at a minimum the following: the style of the complaint; the case, file or other identifying number; the identities of each party to the complaint; the forum in which the complaint was brought; the identity of each state or federal agency involved with or named in the complaint; an explanation of the alleged act or omission; the identity and a description of the environmental protection law or regulation alleged to have been violated; an explanation of all corrective action measures performed to correct or mitigated the alleged violation(s); a description of the alleged endangerment to public health or to the environment; and state whether the issues raised in the complaint have been resolved, and if so, whether the resolution was the result of a settlement or agreement, an administrative order or a court order or judgment. If litigating on the allegation(s) is ongoing, describe any orders or judgments entered and describe the present status of the litigation. Attach additional sheets if necessary and label as **Attachment B-1**. _____

22. Describe all pending criminal complaints that allege that your violation of a state or federal environmental protection law or regulation. If none, write **NONE**. Each description must include at a minimum the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation(s) is a misdemeanor or a felony, and all actions and pleadings which have occurred or been filed in association with the complaint. Criminal complaints filed more than five (5) years prior to the date of submission of the Applicant's permit application need not be listed. Attach additional sheets if necessary and label as **Attachment B-2**. _____

IN RESPONSE TO ITEMS 5 AND 6, EACH DESCRIPTION GIVEN MUST INCLUDE AT A MINIMUM THE FOLLOWING: STYLE, CASE NUMBER; FORUM IN WHICH CONVICTION ENTERED; DATE OF JUDGEMENT; SENTENCE IMPOSED; THE IDENTITY AND DESCRIPTION OF EACH LAW APPLICANT WAS CONVICTED OF VIOLATING; WHETHER THE CONVICTION WAS THE RESULT OF A PLEA AGREEMENT OR A TRIAL; AND, IF CURRENTLY ON APPEAL, THE STATUS OF THE APPEAL. ATTACH ADDITIONAL SHHETS IF NECESSARY AND LABEL AS **ATTACHMENT B-3 AND B-4**.

23. Describe all judgments of criminal conviction entered against you for the violation of any state or federal environmental protection law or regulation. Convictions entered more than five (5) years before the submission date of the Applicant's permit application need not be listed. _____

24. Describe all judgments of criminal conviction of a felony under the laws of any state or of the United States that have been entered against the you within the five (5) year period preceding the date of submission of the Applicant's application. _____

Ownership Information
Certification

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted in, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations.”

Principal: _____

Signature: _____

Type or print name: _____

Official Position: _____

Date: ____ - ____ - ____

Subscribed and sworn to before me by _____

this _____ day of _____, 20____.

Notary Public, State-at-Large

My commission expires the _____ day of _____, 20____.

