

December 1, 2014

VIA HAND DELIVERY

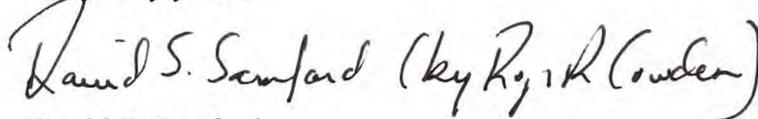
Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: PSC Case No. 2014-00252

Dear Mr. Derouen:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten copies of the supplemental response of East Kentucky Power Cooperative, Inc. ("EKPC") to the Second Request for Information from the Attorney General dated November 7, 2014.

Very truly yours,



David S. Samford

Enclosures

Cc: Parties of Record

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

IN THE MATTER OF:

**AN APPLICATION OF EAST KENTUCKY)
POWER COOPERATIVE, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR CONSTRUCTION OF AN)
ASH LANDFILL AT J. K. SMITH STATION TO)
RECEIVE IMPOUNDED ASH FROM WILLIAM)
C. DALE STATION, AND FOR APPROVAL OF A)
COMPLIANCE PLAN AMENDMENT FOR)
ENVIRONMENTAL SURCHARGE RECOVERY)**

**CASE NO.
2014-00252**

**SUPPLEMENTAL RESPONSE TO ATTORNEY GENERAL'S SECOND REQUEST
FOR INFORMATION TO EAST KENTUCKY POWER COOPERATIVE, INC.**

DATED NOVEMBER 7, 2014

(REQUEST NO. 1a)

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2014-00252
SUPPLEMENTAL RESPONSE TO INFORMATION REQUEST

ATTORNEY GENERAL'S SECOND REQUEST FOR INFORMATION DATED 11/07/14
REQUEST 1

RESPONSIBLE PARTY: Matt Clark

Request 1. Refer to EKPC response to AG 1-1(a).

Request 1a. Provide any agreements with the listed organizations that received coal ash for use as fill that would indemnify EKPC from any environmental liability that may later be attached to the coal ash.

Response 1a. The table below indicates the results of a records search related to this request. The agreements noted are attached hereto.

Dale Ash Beneficial Reuse Projects

Clark Energy Office	No Agreement
Clark Co Board of Education - Football Field at GRC	No Agreement
Clark Co Board of Education - Softball Field at Clark Middle	Agreement - dated 5-20-91
Clark Co Board of Education - Soccer Field at Strode Station -and Softball Field at GRC	No Agreement
Clark Christian Church Parking Lot - Correct to Calvary Christian Church	Agreement - dated 2-16-01
Yeiser Industrial Park	Agreement - dated 9-8-99
Lion's Club - Parking Lot in Yeiser Industrial Park	Agreement - dated 8-2-00
Dept of Highways - Winchester Bypass	No Agreement

Supplemental Response 1a: In its original response to Request No.1a of the Attorney General's Second Request for Information, EKPC indicated that no agreements were found for some of the beneficial reuse projects. EKPC continued searching its files and records and has located agreements or pertinent documents associated with the following projects: Clark Co. Board of Education – Football Field at GRC and Dept of Highways – Winchester Bypass. The documents are attached to this supplemental response. While EKPC is relatively confident that an agreement was secured for the Clark Co. Board of Education – Soccer Field at Strode Station and Softball Field at GRC, it has not been able to locate that document.

April 17, 1986

Mr. Bob Campbell
Assistant Superintendent
Clark County Board of Education
Winchester, Kentucky 40391

Re: Clark County Board of Education
Permit-by-Rule
Application #86-020

Dear Mr. Campbell:

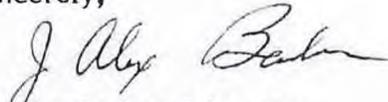
The Division of Waste Management has reviewed your application for a solid waste permit-by-rule for the disposal of flyash behind the George Rogers Clark High School. The information and data submitted indicate that this proposed disposal will not present a threat of imminent hazard to the public health or substantial environmental impact.

A permit-by-rule is hereby granted to the Clark County Board of Education for the disposal of not more than 5,000 yards of this waste, pursuant to 401 KAR 47:020 Section 1(5)(b).

You are cautioned to exercise care in the handling and placement of the flyash so that windblown dust and runoff will not adversely affect neighbors. Any complaints from neighbors or violation of applicable environmental performance standards found in 401 KAR 30:030 Section 1(1), will result in the revocation of the permit. The Board of Education will be held responsible to correct any adverse effects of this project.

If you have any questions concerning this permit-by-rule or the conditions, please contact this office.

Sincerely,



J. Alex Barber, Director
Division of Waste Management

JAB:BKW:akw

cc: Morehead Field Office
Chuck Cornett ✓

RECEIVED APR 28 1986

2305

THE ALLEN COMPANY, INC.

131 Jefferson Street
P.O. Box 537
Winchester, Ky. 40392-0537

Telephone (859)744-3361
Fax (859)744-3961

June 25, 2003

Bart Bryant, Resident Engineer
Ky. Transportation Cabinet
1025 Lexington Avenue
Winchester, KY 40392

RE: Winchester Bypass FD04 025 7292, Use of Fly Ash in Project Embankments

Dear Mr. Bryant:

As you are aware, the above project is short of material from roadway excavations to construct the required embankments. As discussed in the stream mitigation and erosion control meeting held 6-17-03, we request permission to construct a portion of the project embankments from fly ash obtained from a local coal-fired electric generating plant. The source of the fly ash material is East Kentucky Power's Dale Generating Facility at Ford, Ky. (source information attached).

We intend to place the largest quantity of fly ash in order to construct most of the embankment from approximate STA 53+500 to STA 53+820 (from the intersection with Ky. 89, to approximately 0.21 miles north of the Bypass/Ky. 89 intersection). Also, a portion of the embankment from approximate STA 53+220 to STA 53+430 (from 0.38 miles north of the Bypass/Ky. 89 intersection to 0.25 miles north of the Bypass/Ky. 89 intersection) may be constructed from fly ash, pending actual availabilities of roadway excavation materials and fly ash. Where fly ash is placed, it will comprise the core of the embankment, encapsulated by a minimum of 3' of compacted clay material on the side slopes, and a minimum of 2' compacted clay material on the top (below the proposed rock roadbed). The fly ash will be placed in lifts not to exceed 12", and will be compacted to the correct density, at the appropriate moisture content and tested in accordance with the Special Note For Soil Embankment and Subgrade Quality Control/Quality Assurance. As the embankments are constructed, the compacted clay material will be brought to an elevation slightly higher than the fly ash, to help make sure that no ash is susceptible to possible erosion beyond the embankment areas long term. Fly ash will not be stockpiled on-site without suitable clay cover. We will have a water truck operating to make sure dust is not a problem.

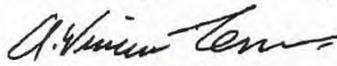
Since the embankment between STA 53+500 and STA 53+820 is being constructed with a 1200mm culvert pipe to allow the water of an existing stream to pass through (STA 53+627.574), the possibility of the stream being affected by runoff containing fly ash could be a problem. To help minimize this possibility, we propose to construct the

lowest portion of the embankment (a "pipe pad") from conventional roadway excavation material, to an approximate elevation of 295.7 (the calculated 100 year flood elevation for the stream), with no fly ash placed below this elevation. Also, as embankment construction progresses, we will bring up the clay cap higher than the adjacent fly ash to form a small berm, in an effort to contain any fly ash that may erode before the final top clay cap is placed. Erosion control measures will be installed per the plans and/or as directed.

We anticipate the fly ash material being made available for use around the first of August of this year.

Please notify me, Tommy Lisle, or Kris Mullins as to the acceptability of our request. Should you have any questions, please call.

Yours Truly,



A. Vincent Lemieux
Senior Project Engineer

attach--E.K.P. fly ash source information



THE ALLEN COMPANY, INC.

131 Jefferson Street
P.O. Box 537
Winchester, Ky. 40392-0537

Telephone (859)744-3361
Fax (859)744-3961

July 30, 2003

Bart Bryant, Resident Engineer
Ky. Transportation Cabinet
1025 Lexington Avenue
Winchester, KY 40392

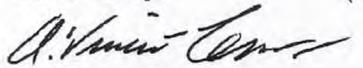
RE: Winchester Bypass FD04 025 7292, Use of Fly Ash in Project Embankments

Dear Mr. Bryant:

The Allen Company, Inc. agrees to construct portions of the embankments on the above project conforming to the Ky. Transportation Cabinet requirements listed in the "Fly Ash Proposal Winchester Bypass" (attached). Please notify all concerned of our intention to start the fly ash placement work as soon as possible, and contact Tommy Lisle, Kris Mullins, or me when we may begin.

Should you have any questions, please call.

Yours Truly,



A. Vincent Lemieux
Senior Project Engineer

Attach--Fly Ash Proposal Winchester Bypass

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190

September 23, 2003

Robert E. Hughes, Jr.
Manager, Environmental Affairs
East Kentucky Power Cooperative
4775 Lexington Road
P.O. Box 707
Winchester, Kentucky 40392-0707

RE: Special Waste Registered Permit-by-Rule for a Beneficial Reuse
Agency Interest Name: East Kentucky Power – Dale Station
DWM Name: Winchester Bypass
Solid Waste Permit # 025-00021
Agency Interest # 809
Activity I.D. ARP20030001
Clark County

Dear Mr. Hughes:

The Division of Waste Management has reviewed your application for a registered permit-by-rule beneficial reuse of coal combustion byproducts (CCBs). According to the application, approximately 200,000 cubic yards of CCBs will be removed from the slurry ponds at Dale Power Station and used as fill material in construction of the Winchester Bypass and State Highway 89 intersection. A variance request was included in this proposal and is the reason registration in accordance with 401 KAR 45:060 Section 2 is being required, rather than being allowed to be conducted as a permit-by-rule. This registration with the variance is accepted with the conditions listed on the enclosed permit.

Please review the enclosed permit and the application submitted for this permit. Any modifications to the activity described in the application and as conditioned by this permit must be made in accordance with 401 KAR 45:040.

Be advised this acceptance does not supersede any local or county ordinances with which you must comply. If you have any questions, please contact Bob Bickner (502) 564-2225, extension 627.

Sincerely,

A handwritten signature in cursive script that reads "R. D. Gruzsky".

Ronald D. Gruzsky, P.E.
Manager, Solid Waste Branch

enclosure

RDG/bb

c: Frankfort Regional Office
Keith Crim, KYTC, State Office Building
✓ Vince Lemieux, Allen Co., 131 Jefferson Street, Winchester
DWM File Room
Reading File



Printed on Recycled Paper
An Equal Opportunity Employer M/F/D



Kentucky Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division of Waste Management

SOLID WASTE PERMIT SUMMARY

Agency Interest: **EAST KENTUCKY POWER – DALE STATION**
1925 Ford Road
Ford, Kentucky 40320

Permittee: **EAST KENTUCKY POWER COOPERATIVE**
4775 Lexington Road
Winchester, Kentucky 40392-0707

Agency Interest ID #: 809

Solid Waste Permit #: 025-00021

County: Clark

Permitted Activities: a) Special Waste Beneficial Reuse

Permit Type: a) Permit-By-Rule

Financial Assurance Summary: N/A

Permit Activity:

Instrument Type:

Instrument #:

Bond Amount:

Acreage Summary:

Permit Activity: < 5 Acres

Waste Disposal Area:

Total Permit Area:

Permit Expiration Date: Life of Facility

Permit issued this 23rd day of September 2003

GENERAL INFORMATION

East KY Power - Dale Station
1925 Ford Rd
Ford, KY

Alternate/Historic Identifiers

ID	Alternate/Historic Name	User Group	Start Date	End Date
KY0002194	EAST KY POWER COOP DALE STEAM	KPDES Number	6/19/2002	
2104900003	East Ky Power Coop	DAQTSB- Emissions Inventory	6/19/2003	

Latitude: 37° 52' 50"

Longitude: 84° 15' 44"

Location Description:

Emissions Inventory ID: 350998

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station

Subject Item Inventory

Activity ID No.: APR20030001

Subject Item Inventory:

ID	Designation	Description
ACTV1	Beneficial Reuse SpW-PBR	SW: Beneficial Reuse of Coal Combustion By-Product under the Winchester By-Pass at Highway
AIOO809		

Subject Item Groups:

ID	Description	Components
GACT1	SW: Profile Group	AIOO809

KEY

ACTV = Activity

AREA = Area

EQPT = Equipment

PERS = Personnel

STOR = Storage

TRMT = Treatment

AIOO = Agency Interest

COMB = Combustion

MNPT = Monitoring Point

PORT = Transport

STRC = Structure

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station

Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Construction:

Condition No.	Item ID	Condition
T-1	ACTV1	Construction: For a new special waste site or facility, or a facility undergoing an expansion or modification as stated in 401 KAR 45:040, the owner or operator shall not commence storage, treatment, or disposal of special waste in the modified portion of the facility until: The owner or operator has submitted to the cabinet, by certified mail or hand delivery, a request for the issuance of a construction/operation permit signed by the owner or operator stating that the facility has been constructed or modified in compliance with the construction permit. The request shall be accompanied by a fee specified in Section 2(1)(d) of 401 KAR 45:250. [401 KAR 45:140 Section 1(11)(a)]
T-2	ACTV1	Construction: For a new special waste site or facility, or a facility undergoing an expansion or modification as stated in 401 KAR 45:040, the owner or operator shall not commence storage, treatment, or disposal of special waste in the modified portion of the facility until: The cabinet has inspected the newly constructed or modified facility and issued a special waste construction/operation permit or modified construction/operation permit. [401 KAR 45:140 Section 1(11)(b)]

Facility Processes:

Condition No.	Item ID	Condition
T-3	ACTV1	Facility Processes: A site or facility operating under a registered permit-by-rule, except as provided in Section 4 of 401 KAR 45:070, shall not exceed the design capacities specified in the administrative registration form. [401 KAR 45:070 Section 3(1)(b)]
T-4	ACTV1	Facility Processes: The owner or operator shall submit a revised registration prior to increases in the design capacity of processes used at a facility. [401 KAR 45:070 Section 4(2)]
T-5	ACTV1	Facility Processes: The owner or operator shall submit a revised registration prior to changes in the processes for the storage, treatment, reuse, or disposal of special waste or use of additional processes. [401 KAR 45:070 Section 4(3)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

General:

Condition No.	Item ID	Condition
T-6	ACTV1	General: The owner or operator of a registered permit-by-rule site or facility shall comply with the applicable provisions of 401 KAR 45:100. [401 KAR 45:070 Section 3(3)]
T-7	ACTV1	General: A permit for a special waste site or facility may be modified either at the request of the permittee or upon the cabinet's initiative. [401 KAR 45:040 Section 2(1)]
T-8	ACTV1	General: If the permittee requests the modification, the cabinet decides whether the request is justified in accordance with Section 1 of 401 KAR 45:040 or for other good cause shown. If the cabinet determines not to modify the permit, it shall notify the permittee in writing and give a reason for the decision. [401 KAR 45:040 Section 2(2)]
T-9	ACTV1	General: If the cabinet makes a preliminary decision to modify a permit under this administrative regulation, the cabinet shall prepare a draft modified permit incorporating the proposed changes. If the permit modification is subject to public notice requirements, the permittee shall publish a notice in accordance with Section 4 of 401 KAR 45:050. [401 KAR 45:040 Section 2(3)]
T-10	ACTV1	General: The cabinet shall provide the permittee with a copy of the draft modified permit and allow ten (10) working days for comment. Comments received from the permittee shall be considered in finalizing the draft modified permit. [401 KAR 45:040 Section 2(4)]
T-11	ACTV1	General: The cabinet shall issue the modified permit after consideration of the comments or following the ten (10) day comment period if no comments are received. [401 KAR 45:040 Section 2(5)]
T-12	ACTV1	General: The owners or operators of a special waste site or facility may request a hearing pursuant to KRS 224.10-420 within thirty (30) days of issuance of the permit modification by the cabinet. [401 KAR 45:040 Section 2(6)]
T-13	ACTV1	General: All terms of an existing permit remain in effect during the permit modification request. [401 KAR 45:040 Section 2(7)]
T-14	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 for violation of any requirement of KRS Chapter 224, KAR Chapter 45, or 401 KAR 30:031. [401 KAR 45:040 Section 4(1)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

General:

Condition No.	Item ID	Condition
T-15	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 for aiding, abetting or permitting the violation of KRS Chapter 224, KAR Chapter 45, or 401 KAR 30:031. [401 KAR 45:040 Section 4(2)]
T-16	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 for any action or omission associated with maintenance and operation of the facility that could or does create a threat to public health or the environment. [401 KAR 45:040 Section 4(3)]
T-17	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 for violations of a condition or a variance of the special waste site or facility permit. [401 KAR 45:040 Section 4(4)]
T-18	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 for misrepresentation or omission of a significant fact by the owner or operator either in the application for the permit or in information subsequently reported to the cabinet. [401 KAR 45:040 Section 4(5)]
T-19	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 for failure to comply with an order issued by the cabinet. [401 KAR 45:040 Section 4(6)]
T-20	ACTV1	General: The cabinet may modify, suspend or revoke a permit issued under KAR Chapter 45 if the facility is transferred to another person without prior approval of the cabinet. [401 KAR 45:040 Section 4(7)]

Inspection:

Condition No.	Item ID	Condition
T-21	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste site or facility shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: oil production brine pits and gas and oil drilling mud pits, during the active life of the pit, if the pit is subject to 401 KAR 5:090. [401 KAR 45:060 Section 1(1)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Inspection:

Condition No.	Item ID	Condition
T-22	ACTV1	Inspection: The cabinet may take any appropriate enforcement actions, including corrective action or revocation, if a special waste permit-by-rule site or facility is not operating in substantial compliance with Section 1 of 401 KAR 45:060. [401 KAR 45:060 Section 2(1)]
T-23	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste sites or facilities shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: Temporary storage of special waste in piles. [401 KAR 45:060 Section 1(2)]
T-24	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste site or facility shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: Injection wells used for disposal of special waste subject to 401 KAR 5:090 or in compliance with an underground injection control permit issued by the U.S. EPA. [401 KAR 45:060 Section 1(3)]
T-25	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste site or facility shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: Surface mining impoundments and other special waste surface impoundments in substantial compliance with KPDES permits. [401 KAR 45:060 Section 1(4)]
T-26	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste site or facility shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: Surface impoundments that treat domestic sewage and that do not contain any industrial wastewater, or are publicly owned treatment works for the treatment of domestic sewage, if the facility is in compliance with the KPDES or NPDES permit. [401 KAR 45:060 Section 1(5)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station

Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Inspection:

Condition No.	Item ID	Condition
T-27	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste site or facility shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: Disposal of coal combustion fly ash, bottom ash, and scrubber sludge in an active mining operation, if the owner or operator of the mining operation: Has a mining permit issued under KRS Chapter 350 that includes the disposal of special waste; and Complies with the conditions of the mining permit. [401 KAR 45:060 Section 1(6)]
T-28	ACTV1	Inspection: The cabinet may, at its discretion, require the owner or operator of a special waste permit-by-rule site or facility to upgrade the permit to a registered permit-by-rule to ensure that the requirements of KAR Chapter 45 and the environmental performance standards of 401 KAR 30:031 are met. [401 KAR 45:060 Section 2(2)]
T-29	ACTV1	Inspection: Notwithstanding any other provision of KAR Chapter 45, the following special waste sites or facilities shall be deemed to have a permit without the owner or operator having made application or registration with the cabinet, provided the operation is a practice common to the industry, is not in violation of 401 KAR 30:031, and does not present a threat or potential threat to human health or the environment: beneficial reuse of coal combustion by-products as an ingredient or substitute ingredient in the manufacturing of products, including but not limited to, cement, concrete, paint, and plastics; antiskid material; highway base course; structural fill; blasting grit; roofing granules; and mine stabilization and reclamation material. [401 KAR 45:060 Section 1(7)]
T-30	ACTV1	Inspection: The owner or operator of a site with coal combustion by-products reuse shall provide that the utilization of coal combustion by-products does not result in the creation of a nuisance condition. [401 KAR 45:060 Section 1(7)(a)]
T-31	ACTV1	Inspection: The owner or operator of a site with coal combustion by-products reuse shall undertake erosion and sediment control measures consistent with sound engineering practices are undertaken. [401 KAR 45:060 Section 1(7)(b)]
T-32	ACTV1	Inspection: The owner or operator of a site with coal combustion by-products reuse shall not use the coal combustion waste within 300 feet of existing drinking water wells, or floodplains or wetlands, unless permission has been obtained from the appropriate regulatory agency. The owner or operator is hereby granted permission for a variance to use coal combustion waste within 100 feet of an existing stream, provided the design criteria specified in the application are met. [401 KAR 45:060 Section 1(7)(c)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Inspection:

Condition No.	Item ID	Condition
T-33	ACTV1	Inspection: The owner or operator of a site with coal combustion by-products reuse shall ensure that the generator of reused coal combustion waste characterizes the nonhazardous nature of the coal combustion by-products. [401 KAR 45:060 Section 1(7)(d)]
T-34	ACTV1	Inspection: The coal combustion waste generator submits to the cabinet an annual report that identifies the type and amount of waste released for reuse; the name and address of each recipient of waste; and the specific use, if known, each recipient made of the waste. [401 KAR 45:060 Section 1(7)(e)]
T-35	ACTV1	Inspection: Persons engaged in beneficial reuse of special waste not specified in Section 1(7) of 401 KAR 45:060 shall be required to register with the cabinet. [401 KAR 45:070 Section 1(1)(b)]
T-36	ACTV1	Inspection: Special waste registered permit-by-rule sites or facilities shall not store, treat, reuse, or dispose of special waste without first submitting a registration to the cabinet and receiving acknowledgement, in writing, by the cabinet of acceptance of the registration in accordance with Section 2 of 401 KAR 45:070. [401 KAR 45:070 Section 1(2)]

Monitoring:

Condition No.	Item ID	Condition
T-37	ACTV1	Monitoring: Monitoring results shall be reported at the intervals specified in the approved permit application. [401 KAR 45:140 Section 1(13)]

Operation:

Condition No.	Item ID	Condition
T-38	ACTV1	Operation: The owner or operator of a registered permit-by-rule site or facility shall comply at all times with 401 KAR 30:031, 401 KAR 45:070, and other requirements imposed by the cabinet. [401 KAR 45:070 Section 3(2)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Operation:

Condition No.	Item ID	Condition
T-39	ACTV1	Operation: Changes listed in subsections (1) to (4) of 401 KAR 45:070, Section 4 (changes to last registration) shall not be implemented until the cabinet acknowledges in writing receipt of the revised registration. [401 KAR 45:070 Section 4(5)]
T-40	ACTV1	Operation: The cabinet may take any appropriate enforcement actions, including corrective action or revocation, if a special waste registered permit-by-rule site or facility is not operating in compliance with 401 KAR 45:070. [401 KAR 45:070 Section 5]

Ownership:

Condition No.	Item ID	Condition
T-41	ACTV1	Ownership: The owner or operator shall submit a revised registration prior to changes in owners or operators of the site or facility. [401 KAR 45:070 Section 4(4)]
T-42	ACTV1	Ownership: A permit is not transferable to any person without prior approval of the cabinet. For purposes of 401 KAR 45:040, Section 3, a permit transfer application is required if a person requests that the name on the permit be changed to a different person or entity or if the permittee is a corporation and fifty-one (51) percent or more of the stock is sold to a person who was not previously a stockholder, or was a stockholder owning less than five (5) percent of the stock. [401 KAR 45:040 Section 3(1)]
T-43	ACTV1	Ownership: The permit shall not be transferable to any person without prior approval of the cabinet. Proposed new owners or operators shall submit a complete transfer permit application to the cabinet in accordance with Section 3 of 401 KAR 45:040. [401 KAR 45:140 Section 1(12)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Performance:

Condition No.	Item ID	Condition
T-44	ACTV1	Performance: Past performance of the owner, operator, and key personnel, as defined in KRS 224.01-010(44), of the special waste site or facility shall be considered in the review for issuance or denial of the permit application and in the determination of any requirement for specialized conditions in accordance with KRS 224.40-330(1) and (3). [401 KAR 45:030 Section 11]
T-45	ACTV1	Performance: If a permit is revoked, the owner or operator may reapply. [401 KAR 45:040 Section 4(9)]
T-46	ACTV1	Performance: Owners or operators of special waste sites or facilities may file a request for a hearing pursuant to KRS 224.10-420 upon revocation of the permit. [401 KAR 45:040 Section 4(10)]

Wastestreams:

Condition No.	Item ID	Condition
T-47	ACTV1	Wastestreams: A site or facility operating under a registered permit-by-rule, except as provided in Section 4 of 401 KAR 45:070, shall not store, treat, reuse, or dispose of special waste not specified in the registration form. [401 KAR 45:070 Section 3(1)(a)]
T-48	ACTV1	Wastestreams: The owner or operator of a registered permit-by-rule site or facility shall submit a revised registration identifying new types of special waste to be stored, treated, reused, or disposed at a site or facility if the special waste type was not previously identified in the registration. [401 KAR 45:070 Section 4(1)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Recordkeeping:

Condition No.	Item ID	Condition
T-49	GACT1	Recordkeeping: All reports required by permits, and other information requested by the cabinet, shall be signed by a person described in subsection 401 KAR 45:030 S10(1), or by a duly authorized representative of that person. A person shall be a duly authorized representative only if: the authorization is made in writing by a person described in 401 KAR 45:030 S10(1); the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative must thus be either a named individual or any individual occupying a named position; and the written authorization is submitted to the cabinet. [401 KAR 45:030 Section 10(2)]
T-50	GACT1	Recordkeeping: If an authorization under subsection 401 KAR 45:030, Section 10(2) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of 401 KAR 45:030, Section 10(2) shall be submitted to the cabinet prior to or together with any reports, information, or applications to be signed by an authorized representative. [401 KAR 45:030 Section 10(3)]
T-51	GACT1	Recordkeeping: Certification. Any person signing a document under subsection (1) or (2) of section 10 shall make the following 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, 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." [401 KAR 45:030 Section 10(4)]

General:

Condition No.	Item ID	Condition
T-52	GACT1	General: Except as otherwise provided in section 2, any person managing special waste shall maintain a special waste site or facility permit as specified in Section 2 of 401 KAR 45:020. [401 KAR 45:030 Section 2(1)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

General:

Condition No.	Item ID	Condition
T-53	GACT1	General: Owners and operators of sites or facilities with permits under other programs for certain aspects of the facility operation shall also obtain the required special waste site or facility permit. [401 KAR 45:030 Section 2(3)(a)]
T-54	GACT1	General: Any person who initiates or continues special waste containment or disposal activities after emergency situations are taken shall be subject to all applicable requirements of chapter 45 for those activities. [401 KAR 45:030 Section 2(3)(b)]
T-55	GACT1	General: Owners or Operators shall comply with the requirements of applicable state and federal laws. These laws include but are not limited to: 16 USC 661 et seq. (the Fish and Wildlife Coordination Act of 1958, as amended). [401 KAR 45:030 Section 3(1)]
T-56	GACT1	General: Owners or Operators shall comply with the requirements of applicable state and federal laws. These laws include but are not limited to: 16 USC 1273 et seq. (the National Wild and Scenic Rivers System). [401 KAR 45:030 Section 3(2)]
T-57	GACT1	General: Owners or Operators shall comply with the requirements of applicable state and federal laws. These laws include but are not limited to: 16 USC 1531 et seq. (the Endangered Species Act of 1983, as amended). [401 KAR 45:030 Section 3(3)]
T-58	GACT1	General: Owners or Operators shall comply with the requirements of applicable state and federal laws. These laws include but are not limited to: 401 KAR Chapters 4 and 5 (the Wild Rivers System). [401 KAR 45:030 Section 3(4)]
T-59	GACT1	General: Owners or Operators shall comply with the requirements of applicable state and federal laws: KRS 146.410 to 146.990 and KAR Title 400 (the Nature Preserves System). [401 KAR 45:030 Section 3(5)]
T-60	GACT1	General: The issuance of a permit shall not convey any property rights or any exclusive privilege. [401 KAR 45:030 Section 4(2)]
T-61	GACT1	General: The issuance of a permit shall not authorize any injury to persons or property or invasion of other private property rights, or any infringement of state or local laws or administrative regulations. [401 KAR 45:030 Section 4(3)]
T-62	GACT1	General: An owner or operator shall maintain a valid permit during the active life of the special waste site or facility, including the closure and postclosure periods required under 401 KAR 45:100 and 401 KAR 45:110. [401 KAR 45:030 Section 6(4)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

General:

Condition No.	Item ID	Condition
T-63	GACT1	General: The conditions applicable to a special waste site or facility shall be incorporated into the permit either expressly or by reference. The owner or operator shall comply with all conditions of the permit and all approved plans in the permit application. Any permit noncompliance constitutes a violation of the appropriate Kentucky Revised Statute and is grounds for enforcement action that may result in revocation, modification, or denial of a permit application. [401 KAR 45:140 Section 1(1)]
T-64	GACT1	General: It shall not be a defense for an owner or operator in an enforcement action to claim necessity to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. The owner or operator shall comply with 401 KAR Chapter 45 before commencing operations. [401 KAR 45:140 Section 1(3)]
T-65	GACT1	General: In the event of noncompliance with the permit, the owner or operator shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health and the environment. [401 KAR 45:140 Section 1(4)]
T-66	GACT1	General: The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control that are installed or used by the owner or operator to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and process controls, including appropriate quality assurance procedures. [401 KAR 45:140 Section 1(5)]
T-67	GACT1	General: The permit may be modified or revoked for cause. The filing of a request by the owner or operator for a permit modification, revocation, or termination, or a notification of planned changes or anticipated noncompliance, shall not stay any permit condition. [401 KAR 45:140 Section 1(6)]
T-68	GACT1	General: The permit shall not convey any property rights or any exclusive privilege. [401 KAR 45:140 Section 1(7)]
T-69	GACT1	General: The owner or operator shall furnish the cabinet with any information that the cabinet reasonably requests to determine whether cause exists for modifying, revoking, or terminating the permit, or to determine compliance with the permit or any provision of KRS Chapter 224 or 401 KAR Chapter 45. The owner or operator shall also furnish to the cabinet upon request copies of records required to be kept by the permittee. [401 KAR 45:140 Section 1(8)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

General:

Condition No.	Item ID	Condition
T-70	GACT1	General: The owner or operator shall allow the cabinet or its authorized representative to: Enter upon the owner's or operator's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of the permit. [401 KAR 45:140 Section 1(9)(a)]
T-71	GACT1	General: The owner or operator shall allow the cabinet or its authorized representative to: Have access to and copy at reasonable times any records that are kept under the conditions of the permit. [401 KAR 45:140 Section 1(9)(b)]
T-72	GACT1	General: The owner or operator shall allow the cabinet or its authorized representative to: Inspect any facility's equipment, including monitoring and control equipment, practices, or operations regulated or required under the permit. [401 KAR 45:140 Section 1(9)(c)]
T-73	GACT1	General: The owner or operator shall allow the cabinet or its authorized representative to: Sample or monitor, for the purposes of assuring permit compliance or determining compliance with KRS Chapter 224 or 401 KAR Chapter 45, any substances or parameters at any location. [401 KAR 45:140 Section 1(9)(d)]
T-74	GACT1	General: All applications, reports, and information submitted to the cabinet shall be signed and certified in accordance with Section 10 of 401 KAR 45:030. [401 KAR 45:140 Section 1(10)]
T-75	GACT1	General: Reports of compliance with, or any progress reports on, requirements contained in any compliance schedule of the permit shall be submitted no later than fourteen (14) days following each scheduled date. [401 KAR 45:140 Section 1(14)]
T-76	GACT1	General: Periodic reports as required in 401 KAR Chapter 45 or in the permit shall be submitted to the cabinet on a timely basis. [401 KAR 45:140 Section 1(15)]
T-77	GACT1	General: If the owner or operator fails to submit any relevant facts in a permit application, or submits incorrect information in a permit application or in any report to the cabinet, he shall promptly submit the facts or correct information. [401 KAR 45:140 Section 1(16)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Inspection:

Condition No.	Item ID	Condition
T-78	GACT1	Inspection: No person shall deliver, or cause to be delivered, special waste to a site or facility unless the owner or operator has: Submitted a notice to the cabinet in accordance with Section 4(1) of 401 KAR 45:020 as an existing waste site or facility in operation on or before the effective date of 401 KAR 45:030. [401 KAR 45:030 Section 5(1)]
T-79	GACT1	Inspection: No person shall deliver, or cause to be delivered, special waste to a site or facility unless the owner or operator has: Qualified for a permit-by-rule in accordance with 401 KAR 45:060. [401 KAR 45:030 Section 5(2)]
T-80	GACT1	Inspection: No person shall deliver, or cause to be delivered, special waste to a site or facility unless the owner or operator has: Qualified for a registered permit-by-rule in accordance with 401 KAR 45:070 or 401 KAR 45:100. [401 KAR 45:030 Section 5(3)]
T-81	GACT1	Inspection: No person shall deliver, or cause to be delivered, special waste to a site or facility unless the owner or operator has: Obtained a solid waste facility permit providing for the disposal of special waste in accordance with 401 KAR Chapters 47 and 48. [401 KAR 45:030 Section 5(4)]
T-82	GACT1	Inspection: No person shall deliver, or cause to be delivered, special waste to a site or facility unless the owner or operator has: Obtained a special waste formal permit in accordance with chapter 45. [401 KAR 45:030 Section 5(5)]
T-83	GACT1	Inspection: No person shall engage in the management, processing, or disposal of special waste at a waste site or facility without first obtaining a permit from the cabinet as specified in chapter 45. [401 KAR 45:030 Section 6(1)]
T-84	GACT1	Inspection: No person shall engage in the management, processing, or disposal of special waste and solid waste without first obtaining a permit from the cabinet as specified in 401 KAR Chapters 47 and 48. [401 KAR 45:030 Section 6(2)]
T-85	GACT1	Inspection: No person shall engage in the management, processing, or disposal of special waste and hazardous waste without first obtaining a permit from the cabinet as specified in 401 KAR Chapters 31 to 39. [401 KAR 45:030 Section 6(3)]

Beneficial Reuse / Special Waste-Coal-PBR

East KY Power - Dale Station
Facility Requirements

Activity ID No.: APR20030001

Narrative Requirements:

Performance:

Condition No.	Item ID	Condition
T-86	GACT1	Performance: A permit may be modified or revoked during its term for cause as set forth in 401 KAR 45:040 and in 401 KAR Chapter 40. [401 KAR 45:030 Section 4(1)]

Wastestreams:

Condition No.	Item ID	Condition
T-87	GACT1	Wastestreams: For purposes of KRS 224.50-760 and KRS 224.46-580(7), special wastes are those wastes of high volume and low hazard which include but are not limited to mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and wastewater treatment facilities, cement kiln dust, gas and oil drilling muds, and oil production brines. Other wastes may be designated special wastes by the cabinet. [KRS 224.50-760(1)]