State of Kansas

Department of Health and Environment

Bureau of Waste Management
1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366 (785) 296-1600

PERMIT

No. 0337

For operating a processing facility or a solid waste disposal area in accordance with the provisions of Kansas Statutes Annotated 65-3407

Permission is hereby granted

to Kansas City Power & Light Company La Cygne Generating Station
(name of governmental entity, corporation or person)

to operate an Industrial Landfill

location Sections 27, 28, 33, and 34, Township 19 S, Range 25 E in Linn County

Approximately 777 acres of disposal area.

(in conformity with design plans to be approved by the Department of Health and Environment, and the attached general and special conditions. Design plans will be submitted per special condition to revise previously approved drawings to incorporate a 2-acre bottom ash pond into the existing permit.)

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Kansas Department of Health and Environment

Done at Topeka, this _____ day of _____ 20_____

_____
Department of Health and Environment

KCP&L La Cygne Generating Station

Industrial Landfill

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SPECIAL CONDITIONS

1) **Updated Permit Design Drawings**, including, but not limited to, a Plat of Survey, Facility Site Map, and an Area, Capacity, and History TABLE shall be prepared in accordance with the guidance posted on the Kansas Department of Health and Environment Bureau of Waste Management (KDHE-BWM) webpage with a Draft of these documents submitted for review within one year of the issuance of this permit. In the permit update process, any historical areas where Coal Combustion Residuals (CCR) may have been placed will be identified. If any such area is to be included as a disposal area to be covered by the solid waste permit, it will be processed as a permit modification and will not require processing per K.A.R. 28-29-6a.
2) Waste disposal in landfill disposal areas shall be limited to the following materials:
   a) coal combustion residuals (CCR) generated **on-site** at the industrial facility,
   b) industrial waste streams generated **on-site** at the facility that have been approved for disposal in the site-specific **Facility Operations Plan**.
3) Operations shall be in compliance with the approved site-specific **Facility Operations Plan**.
4) The permittee shall notify BWM **at least two (2) months prior** to the start of any construction covered by the approved construction drawings and the CQA Plan. The notification shall include the contact information of the CQA engineer, a Kansas-licensed Professional Engineer, who will be in responsible charge for overseeing the construction.
5) Any construction shall be subject to approved construction drawings and a site-specific **Construction Quality Assurance (CQA) Plan** prepared by a licensed Kansas Professional Engineer and approved by KDHE-BWM. The CQA engineer shall submit a CQA Report with his/her certification to KDHE-BWM for review and approval prior to disposal of waste in the area illustrated in the approved construction drawings.
6) **Prior to the start of construction,** the CQA engineer shall ensure that the following steps have been completed:
   a) The area to be constructed, as noted in the approved construction drawings, is consistent with the permitted disposal envelope and construction details as illustrated in the approved design drawings.
   b) The area to be constructed, as noted in the construction drawings, is consistent with the as-built drawings compiled for past disposal areas that have been constructed.
   c) Disposal in the area to be constructed, as noted in the approved construction drawings, is adequately covered by the site-specific Facility Operations Plan as it relates to contact water management, storm water management, dust control, and access to the working face.
7) The permittee shall ensure that the **Groundwater Monitoring System** and associated **Sampling and Analysis Plan** have been reviewed and approved by KDHE-BWM.

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GENERAL CONDITIONS

As used in this permit the following definitions apply, unless the context indicates otherwise.

"Department" means the Kansas Department of Health and Environment and its officers, authorized agents and employees.

"Secretary" means the secretary of the Kansas Department of Health and Environment.

"Permit" means a limited authorization issued by the secretary under the authority of Kansas Statutes Annotated (K.S.A.) 65-3406 and 65-3407 to own, construct, alter or operate an Industrial Solid Waste Landfill at the location described and pursuant to the conditions described in the application as approved by the department.

"Permittee" means any person(s) to whom this permit is issued who (a) owns, in whole or in part, constructs, alters, or operates any facility described in the permit; and/or (b) owns the land on which the facility is located. Unless the context indicates otherwise, words and phrases used in this permit shall have the meanings defined by K.S.A. 65-3402 as amended or Kansas Administrative Regulations (K.A.R.) 28-29-3 as amended.

1. This permit, along with its special and general conditions does not release the permittee from any liability, penalty, obligation or duty imposed by Kansas or federal statutes or regulations, county resolution or city ordinance except the obligation to obtain this permit.

2. This permit does not convey any property right of any sort or any exclusive privilege.

3. This permit shall not be construed as estopping or limiting any claims against the permittee for damage or injury to person(s) or property or to any waters of the state resulting from any acts, operations, or omissions of the permittee, its agents, contractors, or assignees, nor estopping or limiting any legal claim of the state against the permittee, its agents, contractors, or assignees, for damage to state property, or for any violation of the terms or conditions of this permit.

4. This permit is subject to modification by the department at the time of any scheduled renewal or: (a) whenever the modification is needed to reflect changed state or federal rules, (b) to incorporate changes in the facility operations or closure plan, (c) to make other modifications proposed by the permittee and approved by the department, (d) whenever the department determines that modification is necessary to prevent or reduce actual or potential hazard(s) to the public health or safety, or pollution or contamination of the environment or, (e) because of changed or unforeseen circumstances. The filing of a request by the permittee for a permit modification, or the filing of a notice of anticipated noncompliance does not stay any permit condition. Approval from the department must be obtained prior to any modifications to the

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municipal solid waste landfill design, operational and closure plans approved with this permit or any development of new cells not detailed in those plans. Any minor modifications approved by the department are incorporated by reference.

5. This permit is transferable in accordance with K.S.A. 65-3407(i).

   When a transfer of the permit is requested, the current permittee shall maintain financial assurance as required by K.S.A. 65-3407 until the new permittee has demonstrated that it is complying with the legal requirements for financial assurance.

6. When the permittee submits a complete and timely application for renewal of this permit they may continue to conduct the permitted activity at the permitted location until the department takes final action on the permit renewal application if:

   (a) The permittee is in compliance with the terms and conditions of the permit; and
   (b) The department, through no fault of the permittee, has not taken final action on the application on or before the renewal date of the permit.

   Permits continued under this paragraph remain fully effective and enforceable.

7. The provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., shall apply in any proceeding to revoke this permit. Whenever any appeal is filed under a proceeding to revoke this permit, venue shall lie in Shawnee County, Kansas.

8. The permittee shall satisfy all of the following:

   (a) Duty to Comply. The permittee shall comply at all times with the terms and conditions of the permit, and all applicable State and Federal statutes and regulations.

   (b) Duty to Maintain. The permittee shall always properly operate and maintain all facilities, equipment, control systems, and vehicles which the permittee installs or uses to conduct the permitted activity.

   (c) Duty to Mitigate. The permittee shall remedy, and shall act with due diligence to prevent, all potential and actual adverse impacts to persons, property and the environment resulting from noncompliance with the terms and conditions of this permit. The permittee shall repair at his own expense all damages caused by such noncompliance.

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(d) Duty to Provide Information. The permittee shall provide the department, within five (5) working days or other period specified in the request, any information relevant to this permit which the department may request.

(e) Continuing Duty to Inform. The permittee shall have a continuing duty to immediately report to the department any omitted or incorrect facts in the permit application. In addition, the permittee shall report in writing at least 30 days in advance any planned change in the facility or facility operations which could result in noncompliance with the permit or which could require a change in the permit.

(f) Entries and Inspections. For the purposes of inspections and protecting the public health, safety or welfare, or the environment, the permittee shall allow personnel or authorized agents of the department to enter the premises and have access to records as described in K.A.R. 28-29-16.

9. Records. All records and copies of all applications, reports, and other documents required, including the source of the solid waste disposed of at the facility, shall be kept by the permittee for the period specified pursuant to K.S.A. 65-3406 for postclosure operation and maintenance. This period shall be automatically extended for the duration of any enforcement action taken on the permit, or may be extended by order of the department.

10. All unintentional, inadvertent, or accidental off-site releases of solid waste, or substances derived therefrom, except wind-blown litter, shall be verbally reported to the department within 24 hours and in writing within three (3) working days, and to all other persons to whom such releases must be reported pursuant to State and Federal laws or regulations.

11. Force Majeure.(a) An obligation for the permittee to perform according to this permit may be suspended with the written approval of the department, in the event unforeseen and uncontrollable circumstances occur which necessarily and unavoidably prevent performance of the terms of the permit. No events other than unforeseen, uncontrollable circumstances, however catastrophic, shall excuse nonperformance of the permit conditions by the permittee.

(b) In the event the permittee is rendered unable, wholly or in part, by the occurrence of unforeseen, uncontrollable circumstances to carry out any of its obligations under this permit, then that obligation of the permittee, to the extent affected by the occurrence of the uncontrollable circumstances, and also to the extent that due diligence is being used to resume performance at the earliest practical time, may be suspended during the continuance of the inability so caused, but for no longer than one year. At any time the permittee intends to assert force majeure as a basis for failure to comply with

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the permit conditions, the permittee shall notify the department immediately and provide documentation to justify invoking the force majeure closure.

(c) In the event the facility is damaged or destroyed due to an explosion, landslide, flood, fire, vandalism or other event for which the permittee carries insurance, the permittee shall promptly collect insurance proceeds and apply such proceeds to the correction or reconstruction of the facility, or proceed to close the facility in accordance with an approved closure plan. Upon the occurrence of such an event, the permittee shall submit to the department for approval, a plan for the correction, reconstruction or closure of the facility, including the schedule, cost and proposed financing method as soon as practical after the occurrence of the event.

(d) In the event the permittee is unable to properly process, transfer or dispose of any solid waste generated within the area served by the facility because of the occurrence of unforeseen, uncontrollable circumstances, the permittee shall designate and arrange for an alternate disposal facility to which solid wastes may be diverted for disposal until the facility is able to resume management of the solid wastes at the facility.

(e) In the event that any damage to the environment occurs due to the unforeseeable, uncontrollable circumstances, the permittee shall take all action determined necessary by the department to mitigate and remediate such damage.

12. Tonnage Reports. The permittee shall submit to the department reports listing the quantities and types of all solid waste material that was handled during the reporting period. Each tonnage report shall be submitted to the department on forms provided by the department on a monthly, quarterly, or other frequency as determined by the department.

13. Personnel Training. The permittee shall instruct, or give on-the-job training to personnel involved in any activity authorized by the permit, so that such instruction or on-the-job training teaches such personnel how to comply with the conditions of the permit and to carry out the authorized activity in a manner that is not hazardous to the health and safety of the personnel or to the public health, safety, or welfare, or to the environment. A written report summarizing the type of training provided, the dates the training was presented and the names and addresses of personnel receiving the instruction shall be retained in the facility operating record.

14. **This permit will become effective when the permittee signs and returns the attached certification to the department.**

15. This permit shall be renewed annually on the date of issuance. The permittee is responsible

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for applying for renewal of this permit at least 30 days prior to the renewal date on the face of this permit. The department has no duty to notify the permittee in advance of the renewal date. The permittee shall submit the following materials to the department to renew the permit.

(a) Proof of insurance. (K.A.R. 28-29-2201)

(b) Updated closure and postclosure cost estimates. (K.A.R. 28-29-2101)

(c) Proof of financial assurance, unless the facility is exempt. (K.A.R. 28-29-2101 through 28-29-2113)

(d) Renewal fee, unless the facility is exempt. (K.A.R. 28-29-84).

16. Failure to provide the materials required by paragraph 15 above or to complete other renewal requirements made necessary by law or rule and regulation on or before the anniversary date of the permit issuance shall result in immediate suspension of the permit. All receipt of waste shall cease at that time and may resume only when the permittee is informed by the department that the renewal requirements have been properly completed. If the material is not submitted at least thirty days before the anniversary date of the permit, the submission will not be considered timely, and the facility may be required to temporarily cease operations until the permit renewal is received.

17. The operations phase of this permit shall expire upon the occurrence of:

(a) The receipt of written department approval of site closure in accordance with the site closure plan; or

(b) The end of the active life of the permit whether caused by an order from the department, or the district court, or a permanent, voluntary cessation of the receipt of waste.

18. The postclosure phase of this permit shall begin immediately upon the closure of the landfill pursuant to paragraph 17 above and will be in effect for a minimum of thirty (30) years, unless extended by the secretary pursuant to K.A.R. 28-29-12(e)

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CERTIFICATION

I, _____ (print name), on behalf of KCP&L La Cygne Generating Station hereby certify that: (1) I have read all of permit 0337 including general conditions paragraphs 1 through 18 and special conditions 1 through 7; (2) I understand everything in these documents; (3) I agree to comply with all the requirements contained in the permit; (4) I have full authority to sign this certification on behalf of KCP&L La Cygne Generating Station and that by doing so I am legally binding KCP&L La Cygne Generating Station to comply with all the requirements set forth in permit 0337.

_____ _____

Date by

_____

Title

_____ _____

Date Notary

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