

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of            )**  
**The Dayton Power and Light Company    )**  
**For Authority to Transfer or Sell         )**  
**Its Generation Assets                     )**

**Case No. 13-2420-EL-UNC**

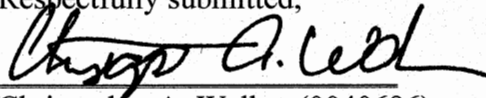
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**MOTION OF THE CITY OF MIAMISBURG, OHIO  
FOR LEAVE TO INTERVENE**

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Pursuant to R.C. 4903.221 and O.A.C. 4901-1-11, the City of Miamisburg, Ohio, moves for leave to intervene in this proceeding as a party of record. The basis for this motion is set forth in the attached Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF MOTION**  
**FOR LEAVE TO INTERVENE**

DP&L owns the O.H. Hutchings Generating Station, 9200 Chautauqua Road, Miamisburg, Ohio. DP&L shut down the Hutchings Station in 2012, and is preparing plans to permanently decommission the facility. Those plans include environmental remediation plans that, according to DP&L, will involve ongoing inspection and maintenance requirements. *See* Exhibit A attached to this motion. Any plans for decommissioning or demolition of buildings and equipment at the Hutchings Station may also involve significant environmental costs, such as cost associated with asbestos management.

DP&L's initial and supplemental plans filed in this matter do not specify the scope of the planned decommissioning of O.H. Hutchings or the cost of such decommissioning. The Supplemental Plan requests the Commission to grant DP&L the authority, pursuant to R.C. 4905.13, to defer costs associated with environmental clean up or remediation incurred by DP&L as a result of its ownership or operation of generating assets. Amended Plan at 5. However, it is not clear whether DP&L would or could retain, disclaim, or transfer such authority in the event its decommissioned assets would be transferred to a third party, or, if so, whether the third party's assets would be sufficient to cover such costs. Neither is it clear whether the term "environmental clean up or remediation" (as used in DP&L's Amended Plan, *id.*) would include other activities, such as demolition and equipment removal, necessary to convert O.H. Hutchings Station to an appropriate and safe long-term end state.

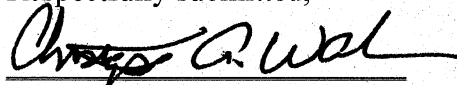


It is essential to the City of Miamisburg that DP&L retain sufficient financial assets and legal authority to ensure that O.H. Hutchings Station is decommissioned to an end state that is safe, nuisance-free, and socially and economically productive. Because these interests may be adversely affected by the outcome of this proceeding, intervention is warranted. R.C. 4903.221; O.A.C. 4901-1-11(A). No other intervenor has expressed an equivalent interest. *Id.* at (B)(5). Miamisburg's intervention will contribute significantly to the full and equitable resolution of factual issues relating to DP&L's retention of sufficient assets and legal authority to decommission and clean up the O.H. Hutchings station and to convert it to an appropriate and safe long-term end state. R.C. 4903.221(B); O.A.C. 4901-1-11(B)(4).

To Miamisburg's knowledge, the Commission has neither established a deadline for motions to intervene nor a hearing date. R.C. 4903.221(A). Because Miamisburg is not requesting the Commission to reopen past deadlines for filing comments, Miamisburg's intervention will not unduly prolong or delay the proceedings. R.C. 4903.221(B)(3).

For these reasons, Miamisburg requests that the Commission grant the City leave to intervene in this matter.

Respectfully submitted,



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### CERTIFICATE OF SERVICE

I hereby certify that, on May 14, 2014, a copy of the foregoing Motion for Leave to Intervene was served by electronic mail on the following:

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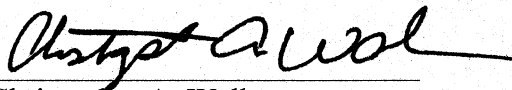
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## **EXHIBIT A**



## Long-Term Operation and Maintenance

### ❖ Groundwater monitoring

- Groundwater wells installed at completion of closure construction
- Monitoring frequency to be determined
- Ponds will not receive additional ash (plant closed Aug 2012)
- Synthetic or low permeability soil cap to minimize infiltration and leaching of precipitation through ash

### ❖ General site maintenance

- Regular cap inspections
- Dam safety inspections
- Interior berm and stormwater channel inspections

### ❖ Post closure maintenance plan



# Ash Pond Closure Permit

- ❖ Basis of Design Report and Engineering Calculations
- ❖ Table of contents – Handout from CH2M HILL
- ❖ List of Drawings – Handout from CH2M HILL
- ❖ Closure Permit to address applicable requirements of OEPA Solid Waste Permit to Install (PTI)

Section II – Multimedia Information

Attachment A1



DIVISION OF SOLID AND INFECTIOUS  
WASTE MANAGEMENT  
Municipal, Industrial, and Residual Solid Waste Landfills

*The information requested in this attachment is not required by rule, however it is useful to permit reviewers and the general public*

Multimedia Information: check all that apply

**Division of Surface Water**

Current NPDES Permit

Permit Number \_\_\_\_\_

Date Issued \_\_\_\_\_

Leachate discharge to public sewer

Current ☐

Proposed ☐

On-site Leachate Treatment

Current ☐

Proposed ☐

On-site Slurry Treatment

Current ☐

Proposed ☐

Section V – Attachment to General Application

Attachment B1c

**ATTACHMENT B1c  
(RESIDUAL SOLID WASTE LANDFILL)**

INFORMATION TO BE SHOWN ON PLANS AND/OR SUBMITTED WITH PLANS

OAC 3745-38-05 PARAGRAPH	CONTENT	Plan Drawing No.	Section No.
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**DETAIL ENGINEERING PLAN COVER SHEET**

(B)(1)(a)	Name of the unitary landfill facility		
(B)(1)(b)	Precise geographic location, boundaries, etc.		
(B)(1)(c)	Name and address of the applicant		
(B)(1)(d)	Name and address of the owner and of the operator		
(B)(1)(e)	Name and address of the person who prepared the plans		
(B)(1)(f)	Index of plan sheets		



## **Schedule**

- ❖ Prepare conceptual design
- ❖ Agency meeting – April 2014
- ❖ Finalize plans and submit PTI to agency – July 2014
- ❖ Agency review completed – October 2014
- ❖ DP&L bid project and award – November/December 2014
- ❖ Construct closure - 2015



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/14/2014 4:56:50 PM**

**in**

**Case No(s). 13-2420-EL-UNC**

Summary: Motion for Leave to Intervene of City of Miamisburg, Ohio electronically filed by Mr. Christopher A Walker on behalf of City of Miamisburg, Ohio