



HALEY & ALDRICH, INC.
6500 Rockside Road
Suite 200
Cleveland, OH 44131
216.739.0555

MEMORANDUM

15 February 2021
File No. 129342-022

SUBJECT: Deed Notation - 40 CFR §257.102(i)
Inactive Lined Ash Pond
New Madrid Power Plant
New Madrid, MO

Associated Electric Cooperative, Inc. (AECI) owns and operates the coal-fired New Madrid Power Plant (NMPP, Plant) located in New Madrid, Missouri. The Inactive Lined Ash Pond (Lined Pond; Unit) is an inactive coal combustion residuals (CCR) surface impoundment at the Plant. Certification of closure of the unit per 40 CFR §257.102(f)(3) was completed on 15 January 2021. This demonstration addresses the requirements of 40 CFR §257.102(i)(3) *Deed Notation* of the U.S. Environmental Protection Agency's (EPA's) Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities, 40 CFR Part 257 rule (CCR Rule), effective 19 October 2015, including subsequent revisions.

§257.102(i)(1): Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.

§257.102(i)(2): The notation on the deed must in perpetuity notify any potential purchaser of the property that:

- (i) The land has been used as a CCR unit; and*
- (ii) Its use is restricted under the post-closure care requirements as provided by §257.104(d)(1)(iii).*

§257.102(i)(3): Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by §257.105(i)(9).

AECI has completed closure of the Unit pursuant to 40 CFR §257.102(d) *Closure performance standard when leaving CCR in place* and will be completing post-closure activities in accordance with 40 CFR §257.104.

AECI has made notation on the property deed, stating the land has been used as a CCR unit and is restricted under the post-closure care requirements as provided by §257.104(d)(1)(iii). The Notice of Deed Restriction is dated 14 January 2021 and was recorded in Greene County Missouri (Attachment 1).



New Madrid Power Plant – Inactive Lined Ash Pond

Deed Notation

Page 2

This document serves as the record of deed notation to the property per §257.102(i)(3). AECI has completed the requirements of §257.102(i)(3) by placing the notification in the facility's operating record as required by §257.105(i)(9).

Attachment 1
Notice of Deed Restriction

3Pg
3000
Cl

Recorded in New Madrid County, Missouri



Recording Date/Time: 01/15/2021 at 11:13:38 AM

Instr #: 20210123

Book: 2021 Page: 123

Type: NOTICE

Pages: 3

Fee: \$30.00 S 20210000110



Kim St. Mary Hall
Recorder of Deeds

ASSOCIATED ELECTRIC COOPERATIVE, INC

SCANNED

(Space above reserved for Recorder of Deeds)

Title of Document: Notice of Deed Restriction

Date of Document: January 14, 2021

Grantor: Associated Electric Cooperative, Inc., a Missouri cooperative corporation

Grantee: Associated Electric Cooperative, Inc., a Missouri cooperative corporation

Grantor and Grantee's Mailing Address: 2814 S. Golden Ave.
P.O. Box 754
Springfield, Missouri 65801-0754

Legal Description: See Exhibit "A" on Page 3

Reference Book(s) and Page: Book 7, Page 639

This cover page is attached solely for the purpose of complying with the requirements stated in §§ 59.310.2; 59.313.2 RSMo 2001 of the Missouri Recording Act. The information provided on this cover page shall not be construed as either modifying or supplementing the substantive provisions of the attached document. In the event of a conflict between the provisions of the attached document and the provisions of this cover page, the attached document shall prevail and control.

After Recording, please return document by mail to:
Associated Electric Cooperative, Inc.
Attn: Rich Winders
PO Box 754
Springfield, MO 65801-0754

NOTICE OF DEED RESTRICTION


This Notice of Deed Restriction, made and entered into on this 14th day of January, 2021, by and between Associated Electric Cooperative, Inc., a Missouri cooperative corporation, ("Grantor") and Associated Electric Cooperative, Inc., a Missouri cooperative corporation, ("Grantee"). The mailing address of Grantor and Grantee is P.O. Box 754, Springfield, MO 65801-0754.

Witnesseth, that the Grantor, pursuant to 40 CFR 257.102(h)(i), provides notice that the real property within the legal description contained in Exhibit "A" is situated in the County of New Madrid, State of Missouri, and was used as a coal combustion residual unit and its use is restricted under the post-closure care requirements as provided by 40 CFR § 257.104(d)(1)(iii).

In Witness Whereof, the said Grantor has hereunto set its hand the day and year first above written.

Grantor:

ASSOCIATED ELECTRIC COOPERATIVE, INC.
A Missouri cooperative corporation

By: 
David J. Tudor
CEO & General Manager

STATE OF MISSOURI)
) ss
COUNTY OF GREENE)

On this 14th day of January, 2021, before me appeared David J. Tudor, to me personally known, who being by me duly sworn, did say that he is the CEO & General Manager of Grantor Associated Electric Cooperative, Inc., a Missouri cooperative corporation, and that said instrument was signed on behalf of said Corporation, and said David J. Tudor acknowledged said instrument to be the free act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Springfield, Missouri, the day and year last above written.



LYNETTE MYERS
My Commission Expires
December 10, 2021
Dallas County
Commission #13479553


Lynette R. Myers
Notary Public

My commission expires: 12/10/2021

EXHIBIT "A"

(Legal Description)

ALL THAT PART OF LOT 2 OF ACREAGE PLAT BOOK 3 PAGE 191, IN TOWNSHIP 22 NORTH, RANGE 14 EAST OF THE FIFTH PRINCIPAL MERIDIAN, NEW MADRID COUNTY, STATE OF MISSOURI, DESCRIBED AS FOLLOWS: FROM A REBAR MARKING THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 14 EAST (SAID POINT ON THE SOUTH LINE OF SECTION 31) MEASURE N89°18'E A DISTANCE OF 95.2 FEET TO THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 22 NORTH, RANGE 14 EAST; THENCE MEASURE N89°15'E ALONG THE SOUTH LINE OF SAID SECTION 32 A DISTANCE OF 2335.4 FEET TO A REBAR ON THE WEST RIGHT OF WAY LINE OF A LEVEE; THENCE N06°36'E ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 778.7 FEET TO A REBAR; THENCE N08°38'E, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 250.3 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE N88°52'E A DISTANCE OF 2685.8 FEET TO A REBAR; THENCE N01°19'W 1428.8 FEET TO A REBAR; THENCE S88°54'W A DISTANCE OF 2072.9 FEET TO A POINT; THENCE S29°19'W A DISTANCE OF 792.6 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 533.0 (SAID CURVE HAVING A RADIUS OF 1101.6 FEET AND A CHORD BEARING OF S19°15'W); THENCE S04°02'W A DISTANCE OF 252.7 FEET TO THE POINT OF BEGINNING, CONTAINING 80.56 ACRES, SUBJECT TO EASEMENTS AND RIGHTS OF WAY.

END