

**McIntosh, Cheryl (EEC)**

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**From:** Craig Williams <craig@cwwg.org>  
**Sent:** Friday, February 09, 2018 5:25 PM  
**To:** Cummins, Jeff (EEC)  
**Subject:** Re: Comments on Agency Interest No. 998 and Agreed Order DWM - 160048  
**Attachments:** CAP Comments to EEC.docx

Dear Director Cummins,

Please accept the attached minus the "DRAFT" watermark as KEF's comments on Agency Interest No. 998 and Agreed Order DWM - 160048

Apologies,

On Fri, Feb 9, 2018 at 5:20 PM, Craig Williams <craig@cwwg.org> wrote:

Dear Director Cummins,

Please see the attached and confirm receipt.

Thank You,

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Craig

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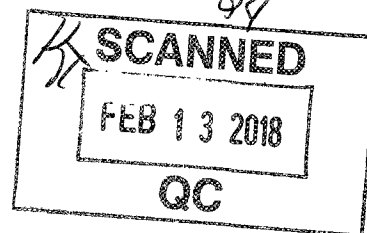
2006 Goldman Environmental Prize Recipient

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Mr. Jeff Cummins, Director  
Division of Enforcement  
Kentucky Energy and Environment Cabinet  
300 Sower Boulevard Lane  
Frankfort, KY 40601

9 February 2018

RE: Comments on Agency Interest No. 998 and Agreed Order DWM - 160048

Dear Director Cummins,

Please accept these comments by the Kentucky Environmental Foundation on the Blue Ridge Landfill's Corrective Action Plan (CAP) submitted pursuant to the terms of Agreed Order DWM 160048.

- 1) CAP preparers "Gradient Corp" state in their Executive Summary (ES-1), "ADS, through routine disposal practices, mixed the BES Waste with municipal solid waste (MSW) and covered it in place with soil and additional MSW."

COMMENT: It is obvious there was nothing routine about the dumping of BES Waste in this landfill. Portraying this activity in such a way is misleading to the average reader. Commenters suggest "illegal" replace "routine".

- 2) Throughout the CAP there is regular usage of words like "minimize" and "further reduce" risks associated with the BES Waste. The word "eliminate" is not used for Alternative 1 without the inclusion of caveats like "or reduce" the risks of exposure.

COMMENT: The objective of Alternative 1 is to try and contain the risks associated with the illegally dumped material. The objective of Alternative 2, although perhaps not completely achievable, is to "eliminate" these risks. Therefore, commenters advocate for attempted elimination.

- 3) "*The results of the comparative analysis demonstrate that Remediation Alternative 1 (Closure-in-Place and Monitoring) is the preferred remediation approach for the Blue Ridge Landfill, because it provides the highest degree of overall protectiveness, poses the lowest short-term physical and radiological exposure related risks to workers and the community, and provides long-term effectiveness and protectiveness while also being cost-effective and implementable. This alternative avoids the uncertainties and risks (such as truck accidents) associated with excavating and removing the BES Waste from the landfill.*"

COMMENT: We agree with the "short-term protectiveness" being greater for Alternative 1. However, with adequate procedures in place adequate protections for the workers and the community could be achieved implementing Alternative 2. Once removed the future risks are all but eliminated.

4) The Kentucky River is merely 3000 Ft. west and is 110 feet lower than the landfill. It is stated that the Calloway Creek, White Oak Creek are tributaries of the KY River. (Sec.2.2.3) These creeks are where the Landfill holding ponds release their water.

COMMENT: The CAP does not identify any remedy should radioactive materials be discovered in the testing wells. Nor does it address what steps can be taken to stop those materials from migrating to the River. The risks associated with radioactive contamination of the KY River, a source of drinking water for millions of people, demand the best efforts to eliminate that risk via Alternative 2.

5) The CAP states that "For purposes of this report, we assumed that these loads contained TENORM only, although this has not been established by disposal data." (emphasis added) (Sec. 2.3)

COMMENT: This undermines the entire basis for Alternative 1, as the CAP relies on the Risk Assessment Corporation's (RAC) for each and every finding associated with this Alternative. No risk analysis can demonstrate validity if the precise constituents of the materials posing the risk are not completely identified.

6) Section 2.3 also states that ADS will "soon" begin to disposal of MSW over the BES Waste disposal area "for operational reasons".

COMMENT: Operational Reasons, equate to "financial reasons". This defies logic if removal is a potential remedy.

7) Throughout the CAP there is referenced the "closure care period" and notes "at least 30 years". The BES waste has a half-life of between 1200 and 1600 years.

COMMENT: Monitoring waste with an approximate 1600 year half-life for 30 years appears to fall short of the protectiveness this community deserves.

8) One of the Threshold Criteria in Section 2.5.3 is "Long-Term effectiveness and permanence".

COMMENT: A closure care period of 30 years does not provide "permanence"

9) Mentioned in the document several times is the fact that naturally occurring background radioactivity is already higher than average due to outcroppings and alike.

COMMENT: With that in mind, potential additional exposures via the BES Waste is irresponsible.

10) The objective of any CAP is to achieve maximum protection of the people and their environment.

COMMENT: All Remedial Objectives identified in Section 3 can only be achieved via Alternative 2 if "attempted elimination" is substituted for "minimize" and "control".

11) Section 4.2.1 refers to an "interim cap" placed over the BES Waste.

COMMENT: This contradicts the reference to additional MSW being placed over the BES Waste in comment #6 above. A cap on ground upon which additional waste is planned to be dumped.

12) Section 4.2.2 cites a 93 day period to remove the BES Waste from the land fill.

COMMENT: Recognizing that weather and other factors may elongate the removal, even a threefold schedule timeline, coupled with virtual elimination of the risk, dwarfs potential risk for hundreds of years as advocated in Alternative 1.

13) Table 6.1: "Surface water and groundwater monitoring ensures that conditions remain protective."

COMMENT: All monitoring does is tell you if there is a problem. Nowhere did I see an action plan if the monitoring shows leachate breakthrough!

14) The report states that no environmental or public health benefits would be realized by moving the materials to another landfill.

COMMENT: There is only one alternative landfill cited in the report. The report does not specify if that is the only alternative landfill nor go into any great detail about the containment parameters at the landfill identified. This assumption is without a firm basis. Under recently passed Kentucky regulations, waste with a total radium concentration above 200 pCi/g must be sent to a licensed low-level radioactive waste disposal facility. The CAP does not clarify if the cited landfill in PA is such a site or not. If a licensed low-level radioactive waste disposal facility was to receive the BES waste commenters believe the finding that, "no environmental or public health benefits would be realized by moving the materials to another landfill." would not be accurate or defensible.

FINAL COMMENT: The ONLY way to approach elimination of the risks associated with the illegally dumped radioactive waste currently residing at the Blue Ridge Landfill is to remove it from the landfill.

Respectfully submitted by,

*Craig E. Williams*

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