

McIntosh, Cheryl (EEC)

From: Rodney Davis <rgd@davislawky.com>
Sent: Tuesday, January 30, 2018 5:26 PM
To: Cummins, Jeff (EEC)
Subject: Comment on Agency Interest No. 998
Attachments: pdf of land fill comments.pdf

Mr. Cummins:

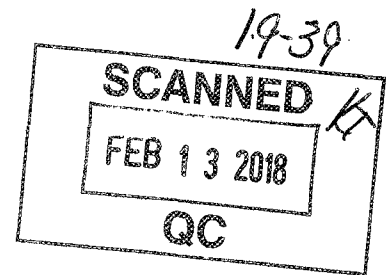
Please find attached a letter containing comments on the Advanced Disposal CAP that your agency is Considering.

Thank you.

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January 30, 2018

Mr. Jeff Cummins
Director of Enforcement
300 Sower Blvd.
Frankfort, Kentucky 40601

RE: Agency Interest No. 998
Agreed Order #: DWM 160048

Dear Mr. Cummins:

Please accept the following brief comments with regard to the corrective action plan (CAP) that is proposed by Advanced Disposal. Please understand that this is not an exhaustive list of concerns, rather it references three specific concerns that your agency should address.

1. Advanced continues to operate the Blue Ridge Landfill in the absence of a community host agreement signed in its corporate capacity. Moreover, they have made it very clear that a host agreement is not required for their operation of the landfill. This should lead your agency to question whether Advanced actually intends on cooperating with your agency and local authorities in both the implementation and monitoring of the CAP. Before a CAP is approved your agency should obtain an agreement that Advanced will enter into a new host agreement and until such time will honor the previous host agreement that binds it as a result of its purchase of the land fill.
2. Advanced has denied, and continues to deny to this day, that TENORM has been disposed of, or stored, at the Blue Ridge Landfill. This is the official position they are taking in the pending litigation brought by the Estill Fiscal Court. The fact that your agency is even considering the adoption of a CAP


without an admission from Advanced that its landfill contains TENORM is irrational. How you expect Advanced to correct a problem when it will not even admit the problem exists is an absurdity. If the substance is not TENORM, then what substance is actually being covered and buried in place? This admission should be required prior to the adoption of a CAP.

3. The proposed CAP contains insufficient monitoring. Whether the plan is "removal" or "shelter in place" the monitoring requirement should run as long as the landfill is in operation and at least sixty (60) years thereafter.

My comments are brief for a purpose. It should not take long to consider their implication to this issue and to the welfare of the Citizens of Estill County, Kentucky.

Govern yourself accordingly.

Sincerely,



Rodney G. Davis