



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Waste Management
525 Hecks Plaza Dr
Morehead (Rowan), KY 40351
www.kentucky.gov

March 8, 2016

Certified No. **7009 2820 0001 8325 3767**
Return Receipt Requested

Mr. Kim Cecil
Green Valley Landfill General Partnership
1551 Green Valley Dr
Ashland, KY 41102

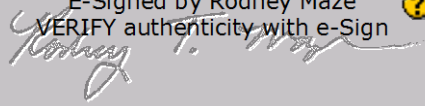
Re: Notice of Violation
AI ID: 1592
AI Name: **Green Valley Landfill General Partnership**
Activity ID: ENV20160001
Permit No. 045-00012
Greenup County, KY

Dear **Green Valley Landfill General Partnership**:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 606-783-8655.

Sincerely,

E-Signed by Rodney Maze
VERIFY authenticity with e-Sign


Mr. Rodney Maze,
Environmental Scientist IV
Division of Waste Management

Enclosure

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Waste Management

NOTICE OF VIOLATION (AMENDED)

To: Mr. Kim Cecil
Green Valley Landfill General Partnership
1551 Green Valley Dr
Ashland, KY 41102

AI Name: Green Valley Landfill General Partnership **AI ID:** 1592 **Activity ID:** ENV20160001
Discovery ID: CIN20160002 **County:** Greenup
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/04/2016

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000001592SW: Green Valley Landfill 045-00012

/(Agency Interest # 1592):

General: The owner or operator shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the appropriate Kentucky revised statute and is grounds for enforcement action which may result in revocation, modification or denial of a permit renewal application. [401 KAR 47:120 Section 1(1)]

Description of Non Compliance:

Based on waste documentation provided by the facility, Green Valley Landfill accepted and disposed of 26 loads (368.53 tons) of an unpermitted NORM/TENORM waste from May 2015 through January 2016. Neither the facility's permit nor this KRS authorize low level radioactive waste to be disposed in a contained landfill located in Kentucky. Further, the facility's permit does not authorize any infringement of state laws or regulations.

The remedial measure(s), and date(s) to be completed by are as follows:

Remedial measures shall be determined by Division of Enforcement. [401 KAR 47:120 Section 1(1)]

2 Violation Description for Subject Item AIOO0000001592SW: Green Valley Landfill 045-00012

/(Agency Interest # 1592):

The owner or operator of a contained landfill shall keep permanent records of the source, disposal location and quantity of any spill residues and limited quantity generator hazardous wastes, and records as to the source and quantity of all other wastes disposed of at the contained landfill. These records shall be available for cabinet inspection and shall be summarized in a report and submitted to the cabinet with the annual report or request for permit renewal. [401 KAR 47:190 Section 8(5)]

Description of Non Compliance:

This facility failed to compile a permanent record of the source, disposal location and quantity of any spill residues and limited quantity generator waste as per 401 KAR 47:190 Section 8(5)

The remedial measure(s), and date(s) to be completed by are as follows:

The owner or operator shall compile a permanent record of the disposal location of any spill residues, limited quantity generator waste as required by 401 KAR 47:190 Section(8)5.

This matter is being referred to the Division of Enforcement and additional remedial measures maybe required. [401 KAR 47:190 Section 8(5)]

**3 Violation Description for Subject Item AIOO0000001592SW: Green Valley Landfill 045-00012
/(Agency Interest # 1592):**

Any person possessing or controlling a hazardous substance, pollutant, or contaminant which is released to the environment, or any person who caused a release to the environment of a hazardous substance, pollutant, or contaminant, shall characterize the extent of the release as necessary to determine the effect of the release on the environment, and shall take actions necessary to correct the effect of the release on the environment. Any person required to take action under this subsection shall have the following options: (a) Demonstrating that no action is necessary to protect human health, safety, and the environment;(b) Managing the release in a manner that controls and minimizes the harmful effects of the release and protects human health, safety, and the environment, provided that the management may include any existing or proposed engineering or institutional controls and the maintenance of those controls;(c) Restoring the environment through the removal of the hazardous substance, pollutant, or contaminant; or (d) Any combination of paragraphs (a) to (c) of this subsection. [KRS 224.1-400(18)]

Description of Non Compliance:

Green Valley Landfill failed to comply with provisions of KRS 224.1-400(18) by failing to characterize a release/potential release of NORM/TENORM to the environment.

Green Valley Landfill shall comply with all provisions of the attached Radiation Survey and Site Investigation guidance provided by the Cabinet for Family and Health Services. A comprehensive compliance plan shall be submitted to Jeff Cummins, Director, Kentucky Department of Environmental Protection, Division of Enforcement within seven (7) working days of the receipt of this Notice of Violation.

The remedial measure(s), and date(s) to be completed by are as follows:

Green Valley Landfill shall comply with all provisions of the attached Radiation Survey and Site Investigation guidance provided by the Cabinet for Family and Health Services. A comprehensive compliance plan shall be submitted to Jeff Cummins, Director, Kentucky Department of Environmental Protection, Division of Enforcement within seven (7) working days of the receipt of this Notice of Violation.

This matter is being referred to the Division of Enforcement and additional remedial measures maybe required. [KRS 224.1-400(18)]

**4 Violation Description for Subject Item AIOO0000001592SW: Green Valley Landfill 045-00012
/(Agency Interest # 1592):**

Recordkeeping: The owner or operator shall record, on a form approved by the cabinet, the daily cell locations, and dates of cover applications at the landfill including: daily usage area, daily, interim, long term and final cap installation dates and certification reports. [401 KAR 48:090 Section 3(5)]

Description of Non Compliance:

The owner or operator failed to record, on a form approved by the cabinet, the daily cell locations, and dates of cover applications at the landfill including: daily usage area, daily, interim, long term and final cap installation dates and certification reports as per 401 KAR 48:090 Section 3(5).

The remedial measure(s), and date(s) to be completed by are as follows:

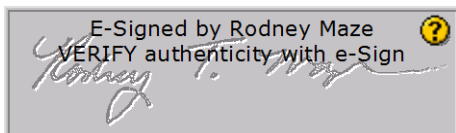
The owner or operator failed to record, on a form approved by the cabinet, the daily cell locations, and dates of cover applications at the landfill including: daily usage area, daily, interim, long term and final cap installation dates and certification reports as per 401 KAR 48:090 Section 3(5).

This matter is being referred to the Division of Enforcement and additional remedial measures maybe required. [401 KAR 48:090 Section 3(5)]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Waste Management
Morehead Regional Office
525 Hecks Plaza Dr
Morehead, KY 40351
606-783-8655 (8:00 AM – 4:30 PM)
Mr. Rodney Maze, Environmental Scientist IV



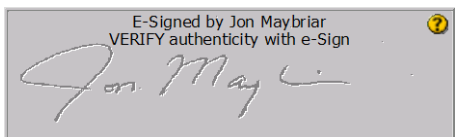
E-Signed by Rodney Maze
VERIFY authenticity with e-Sign

The image shows a digital signature of Rodney Maze in a grey box. The signature is written in cursive. Above the signature, it says "E-Signed by Rodney Maze" and "VERIFY authenticity with e-Sign". There is a small yellow question mark icon in the top right corner of the box.

Issued By:

Mr. Rodney Maze, Environmental Scientist IV

Date: March 8, 2016



E-Signed by Jon Maybriar
VERIFY authenticity with e-Sign

The image shows a digital signature of Jon Maybriar in a grey box. The signature is written in cursive. Above the signature, it says "E-Signed by Jon Maybriar" and "VERIFY authenticity with e-Sign". There is a small yellow question mark icon in the top right corner of the box.

Issued By:

Jon Maybriar, Assistant Division Director

Date: March 8, 2016

Hand Delivered: _____

Date: March 8, 2016

Certified/Registered # 7009 2820 0001 8325 3767