

## **Bruner, Brandon (EEC)**

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**From:** Adam Burke <adamwburke@gmail.com>  
**Sent:** Monday, November 21, 2016 9:34 PM  
**To:** Cummins, Jeff (EEC)  
**Subject:** Comments on Proposed Agreed Order CASE No. DWM 160048

Dear Mr. Cummins,

I appreciate the opportunity to submit comments regarding the proposed Agreed Order with Advanced Disposal and their subsidiary Blue Ridge Landfill. This is a public matter that affects everyone downstream from the Kentucky river for thousands of years, affects everyone in Kentucky regardless of which watershed supplies them with water, and everyone in general - as someone somewhere has to make a stand to end the injustice of illegal dumping of radioactive waste, therefor it's imperative for the public and state agencies to work together in solving this problem.

I am pleased about the condition of "community acceptance" in EEC's proposition. Though not a member of either organization, I believe that the EEC should work diligently with CCEC and KEF as keystones of the community to find a completely acceptable solution. Any amendments to the CAP should have a public comment period.

I'm not from Kentucky, but my roots are planted here now, and I love the countless clean spring fed waterways. With the prospect of radioactive fracking waste or hydraulic fracking itself coming to Kentucky, I fear for the water and our selves. Blue Ridge Landfill, which has a liner that's near the end of its life, sits adjacent to the Kentucky River, and radium certainly will be terribly dangerous many many years after the landfill's liner has fully degraded. It will also certainly be a more dangerous place if violators aren't deterred by sufficient penalties.

It is an injustice that must be redressed (and stopped) that radioactive fracking waste was intentionally dumped illegally, and for that matter created at all. This case will set a precedent, either by correcting and deterring injustice, or setting the cost of doing business rather low (for the perpetrators) and rather high (for the public).

It concerns me that the risk assessment study the Agreed Order is based on was contracted by the landfill without independent analysis or peer review and Advanced Disposal is in the position to benefit from the dubious conclusion that there is "no public health impact."

\$95,000 is a grossly insufficient civil penalty for a multi-billion dollar corporation, when the EEC is authorized to penalize \$25,000 per load versus the \$1000 proposed per load, for a total of \$2,300,000 in penalties. The proposed penalty sets a low cost of doing business, when a message should be sent that criminal negligence will not be tolerated. I'd like to add that penalties for future illegally dumped loads should be set at \$25,000.

The SEPs needs to be in ADDITION to a civil penalty that does more than set a low bar. The penalties must reflect damage done.

I am also very concerned that "cost" is part of EEC's consideration for accepting a CAP. I'm confused to why the cost to Advanced Disposal for mitigation of their negligence is of any concern to EEC in the first place, but I don't believe the EEC will have "community acceptance" if it skimps on doing its best to enforce the most effective remediation.

I would like to see a proposal that considers the public first and not the multi-billion dollar corporation.

Thank you for your consideration.

Sincerely,  
Adam Burke  
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