

Energy and Environment Cabinet Signs Agreed Order with Blue Ridge Landfill Owner Regarding Unpermitted Landfill Waste

FRANKFORT, Ky. (Jan. 3, 2017) - The Energy and Environment Cabinet (EEC) today announced that it has signed an Agreed Order with Advanced Disposal Services Blue Ridge Landfill, Inc. (Blue Ridge) that has both remedial and penalty provisions regarding the Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) that was illegally brought there in 2015.

The Agreed Order requires Blue Ridge to develop a Corrective Action Plan (CAP) consistent with the remediation requirements set forth in 401 KAR 100:030. The CAP must address the disposal of TENORM brought to the facility and contain a timeline for the completion of specific corrective actions and an estimated date for final compliance. It also must have a plan, to be incorporated into Blue Ridge's landfill permit, for detecting and preventing future disposal of unpermitted TENORM waste.

Blue Ridge also agreed to a \$95,000 civil penalty that the Cabinet has agreed to offset by allowing the company to perform supplemental environmental projects. Specifically, Blue Ridge has agreed to deposit \$60,000 into an escrow account for the Estill County School District to pay towards the detection and mitigation of naturally occurring radon, and or establishing educational programs related to environmental sciences.

As part of the Agreed Order, the landfill company also will install radiation monitors at the Irvine facility and at its affiliated Morehead landfill, which did not receive any unpermitted TENORM waste. Radiation monitoring at the Irvine facility will be incorporated into the company's plan to prevent future disposal of TENORM waste and will be a requirement of the Blue Ridge Landfill solid waste permit. The Agreed Order requires that the escrow account be established and any monitoring devices be installed within 120 days of the signing of Agreed Order.

In addition to the civil penalty, Blue Ridge has agreed to a stipulated \$2,500 penalty if it fails to meet deadlines associated with submitting the CAP. Further, Blue Ridge has agreed to stipulated penalties in the amount of \$25,000 for future acceptance of unpermitted TENORM waste.

Fulfilling its commitment to transparency, the Cabinet carefully reviewed all submitted comments to the proposed Agreed Order and modified the order where appropriate.

"We believe that this Agreed Order – and the Corrective Action Plan that is to follow – will protect the citizens of Estill County and the local environment now and in the future," Secretary Charles Snaveley said. "We appreciate the stakeholders who participated with us in bringing this process to this point."

This Agreed Order does not resolve any violations of Chapter 211 of Kentucky Revised Statutes or any allegations that may arise from any investigation by the Cabinet for Health and Family Services (CHFS) into the generators, transporters, and brokers who arranged for the importation of TENORM into Kentucky.

The Agreed Order, Public Notice, the submitted comments, and the Cabinet's responses may be accessed at this web address: <http://dep.gateway.ky.gov/publicfiles/> or at this ftp site: ftp://eec106158:EDCVfr432WSX@ftp.cot.ky.gov/EECPPC106158/eecppcdata/UST_KORA/Public

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