



Commonwealth of Kentucky
Energy and Environment Cabinet

Matthew G. Bevin, Governor

Charles G. Snavelly, Secretary

FOR IMMEDIATE RELEASE

Contact: John Mura
502-564-7192
502-234-4648

Notice of Violation Sent to Blue Ridge Landfill and Cease and Desist Letter sent to Advanced TENORM after Investigation Finds Improper Disposal of Radioactive Waste

FRANKFORT, Ky. (March 8, 2016) – Energy and Environment Secretary Charles Snavelly announced today a Notice of Violation containing four violations against Advanced Disposal Services Blue Ridge Landfill, Inc. in Estill County, KY after an investigation found the landfill accepted low-level radioactive waste commonly known as TENORM (Technologically Enhanced Naturally Occurring Radioactive Material).

The investigation showed the landfill used inaccurate reporting in its quarterly report, failed to characterize a release of TENORM/ NORM to the environment, disposed of unpermitted waste in a contained landfill and failed to properly record the source, disposal location and quantity of spill residues and limited quantity generator hazardous wastes.

The matter will be referred for enforcement action. Blue Ridge officials were notified of the Notices of Violation this morning.

And the Cabinet for Health and Family Services announced that on Friday, March 4, it had issued a cease and desist letter to Advanced TENORM, a waste disposal company located in West Liberty, Ky. Advanced TENORM is suspected of importing, collecting, transporting, treating, storing, depositing and/or disposing of TENORM from West Virginia since June 2015, which is prohibited by state law. Advance TENORM could face civil fines up to \$100,000 per occurrence, as well as substantial criminal penalties.

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MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

Division of Waste Management
200 Fair Oaks Ln 3rd Fl
Frankfort, KY 40601

WWW.KENTUCKY.GOV

March 8, 2016

Certified No. 7013 3020 0001 0603 0961 Blue Ridge Landfill
7013 3020 0001 0603 0978 Billy Bowles
7013 3020 0001 0603 0985 CT Corporation System

Return Receipt Requested

Advanced Disposal Services Blue Ridge Landfill Inc
2700 Winchester Rd
Irvine, KY 40336

Billy Bowles
2700 Winchester Road
Irvine, KY 40336

CT Corporation System
306 W. main St, Suite 512
Frankfort, KY 40601
Registered Agent

Re: Notice of Violation
AI ID: 998
AI Name: Advanced Disposal Services Blue Ridge Landfill Inc
Activity ID: ENV20160001
Permit No. SW030004
Estill County, KY

Dear Advanced Disposal Services Blue Ridge Landfill Inc/Mr. Bowles/CT Corporation System:

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 502-564-3358.

Sincerely,

Richard Thomas
Environmental Control Supervisor
DWM, Frankfort Regional Office

Enclosure



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Central block of faint text, likely the main body of the letter or document.

Text block on the right side, possibly a signature or a specific section header.

Text block on the right side, continuing the content from the previous block.

Text block on the right side, continuing the content.

Text block on the right side, continuing the content.

Text block on the left side, possibly a signature or a specific section header.

Text block at the bottom of the main body, possibly a closing or a reference.

Text block at the bottom of the page, possibly a footer or a note.

Handwritten signature or name in the bottom left area.

Large handwritten mark or signature at the very bottom center of the page.

COMMONWEALTH OF KENTUCKY
Energy and Environment Cabinet
Department For Environmental Protection
Division of Waste Management

NOTICE OF VIOLATION

To: Advanced Disposal Services Blue Ridge Landfill Inc
2700 Winchester Rd
Irvine, KY 403369

Billy Bowles
2700 Winchester Road
Irvine, KY 40336

CT Corporation System
306 W. main St, Suite 512
Frankfort, KY 40601
Registered Agent

AI Name: Advanced Disposal Services Blue Ridge Landfill Inc **AI ID:** 998 **Activity ID:** ENV20160001
County: Estill
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/10/2016

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

1 Violation Description for Subject Item ACTV000000007SW: Contained Landfill(Contained Landfill):

Recordkeeping The owner or operator shall submit report(s): Due quarterly, by the 15th of January, April, July, and October containing a description of the monthly volume of waste received from each source. [401 KAR 47:190 Section 8(1)(b)]

Description of Non Compliance:

Although the facility has corrected the reports, at the time of this inspection, Blue Ridge Landfill's quarterly Waste Quantity Reports reflected that the 47 loads of TENORM mentioned above were disposed as alternate daily cover. Blue Ridge Landfill is not authorized any alternate daily cover.

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

Remedial measures to be determined by KDEP Div of Enforcement.

2 Violation Description for Subject Item ACTV000000007SW: Contained Landfill(Contained Landfill):

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:

Blue Ridge Landfill failed to comply with provisions of KRS 224.1-100 (18) by failing to characterize a release/potential release of NORM/TENORM to the environment.

The landfill shall not disturb the area except to characterize it pursuant to 401 KAR 100:030.

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

Blue Ridge 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, KY Department of Environmental Protection Enforcement Branch, within seven working days of the receipt of this Notice of Violation.

3 Violation Description for Subject Item ACTV000000007SW: Contained Landfill(Contained Landfill):

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 disposal manifests provided by the facility, Blue Ridge Landfill accepted and disposed of 47 loads of an unpermitted NORM/TENORM waste from July 2015 through November 2015. 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 required remedial measure(s), and date(s) to be completed by, are as follows:

Remedial measures to be determined by KDEP Div of Enforcement.

4 Violation Description for Subject Item ACTV000000007SW: Contained Landfill(Contained Landfill):

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:

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.

A request to provide all waste disposal manifests from January 1, 2015 through January 30, 2016 to the Div of Waste Management was made during this inspection. To date, only manifests pertaining to particular TENORM-related entities have been submitted to the Division.

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

Remedial measures to be determined by KDEP Div of Enforcement.

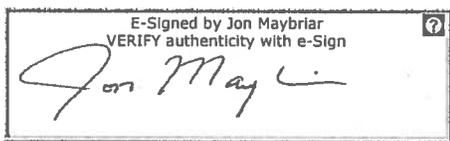
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance 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
Frankfort Regional Office
200 Fair Oaks Ln 3rd Fl
Frankfort, KY 40601
502-564-3358 (8:00 AM – 4:30 PM)
Richard Thomas,

Issued By: 
Richard Thomas, Environmental Control Supervisor
Date: March 8, 2016

Issued By: 
Jon Maybriar, Assistant Division Director
Date: March 8, 2016

How Delivered: Certified Mail Certified/Registered #7013 3020 0001 0603 0961 Blue Ridge Landfill
7013 3020 0001 0603 0978 Billy Bowles
7013 3020 0001 0603 0985 CT Corporation System

A Radiation Survey and Site Investigation (RSSI) for the landfill property site will be conducted to determine the level and extent of contamination and include measurement of background radiation sources from an analysis of underlying geology. The RSSI will also include activities necessary to demonstrate compliance with 902 KAR 100:022 section 18. The RSSI will include the waste disposal cell, sedimentation pond, stormwater runoff and leachate. The RSSI will also include a spectroscopy analysis of waste constituents and site background rock and soil samples to identify the isotopes present. An American Board of Health Physics (ABHP) certified health physicists (CHP) will conduct a dose assessment to determine the total effective dose equivalent as defined in 90 KAR 100:010 section 1(312) of the exposed on-site and off-site receptors based on present operations at the landfill and include dose reconstruction from previous disposal activities of radioactive waste. Internal radiation dosimetry from radionuclides will be assessed for all exposure pathways along with exposure pathway modeling with particular attention to inhalation, deposition on skin/clothing and ingestion of radionuclide sources. Records relating to this dose assessment will be retained per 902 KAR 100:019, Section 34 and shall be provided as required by 902 KAR 100:165, Section 3. The results and methodology of the RSSI and the dose assessment will be provided to the cabinet for review.

All sampling activities including any core sampling will incorporate temporary HEPA filtered negative air containment enclosures to control and remove fugitive dust, particles, and airborne contaminants generated during site activities to prevent the spread of contamination from designated work areas.

All monitoring activities and analyses will be conducted by licensed laboratories. All contractors will follow appropriate procedures and have recognized certifications in their respective areas from organizations including, but not limited to the ABHP (American Board of Health Physics), ICRP (International Committee on Radiation Protection), ICRU (International Commission on Radiation Units and Measurements), IRPA (The International Radiation Protection Association) and the NEFAP (National Environmental Field Activities Program) for accreditation of FSMOs (Field Sampling and Measurement Organization).

A QAPP (Quality Assurance Project Plan) will be submitted that encompasses all site work at the landfill that is part of the above describe work.

