



Commonwealth of Kentucky  
Energy and Environment Cabinet

Matthew G. Bevin, Governor

Charles G. Snively, Secretary

FOR IMMEDIATE RELEASE

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

**Notice of Violation Sent to Green Valley Landfill after  
Investigation Finds Improper Disposal of Low Level  
Radioactive Waste**

**FRANKFORT, Ky. (March 8, 2016)** – Energy and Environment Secretary Charles G. Snively announced today that a Notice of Violation containing four violations was issued against Green Valley Landfill General Partnership in Ashland, Ky. after an investigation found that the landfill had accepted 26 loads (368.5 tons) of low-level radioactive waste, commonly known as TENORM (Technologically Enhanced Naturally Occurring Radioactive Material).

The Department of Environmental Protection, Division of Waste Management investigation showed that the Green Valley Landfill accepted and disposed of unauthorized low-level radioactive waste from May, 2015 through January, 2016, failed to properly record the source, disposal location and quantity of spill residues and limited quantity generator hazardous wastes, failed to characterize a release or potential release of TENORM/ NORM to the environment, and failed to record the dumping of the material on appropriate forms.

The violations will be referred for enforcement action. Green Valley Landfill officials were notified late Tuesday afternoon.

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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,

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**

**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 owner or operator 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 224.1-100(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)]

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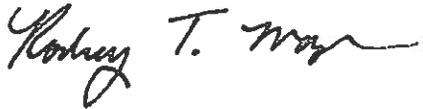
**Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations**

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.

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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

Issued By:   
Mr. Rodney Maze, Environmental scientist IV  
Date: March 8, 2016

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

Hand Delivered: \_\_\_\_\_  
Date: March 8, 2016

Certified/Registered # 7009 2820 0001 8325 3767

MATTHEW G. BEVIN  
GOVERNOR



CHARLES G. SNAVELY  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
Morehead Regional Office  
525 Hecks Plaza Drive  
Morehead, KY 40351  
www.kentucky.gov

March 8, 2016

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

**RE: Inspection Results**  
Green Valley Landfill General Partnership  
County: Greenup  
AI#: 1592

Dear Green Valley Landfill General Partnership:

Enclosed for your review is a copy of the Compliance Inspection Report for the inspection conducted at Green Valley Landfill General Partnership on February 4, 2016. Please review this inspection report and take note of any comments that are listed. If corrective actions are required, a follow-up inspection will be conducted to determine if the site has returned to compliance.

If you have questions or need further information or assistance, feel free to contact this office at the above address or call (606) 783-8655.

Sincerely,

A handwritten signature in black ink that reads "Rodney T. Maze".

Rodney Maze  
Environmental Scientist IV  
Morehead Regional Office  
Division of Waste Management

Enclosure:

**Energy and Environment Cabinet  
Kentucky Department for Environmental Protection  
Division of Waste Management**

**Activity:** CIN20160002 Inspection

**Lead Investigator:** Maze, Rodney

**Agency Interest/Permit ID:** 1592

**Agency Interest Name:** Green Valley Landfill General Partnership

**Agency Interest Address:** 1551 Green Valley Dr

Ashland, KY 41102

**Program:** Solid Waste

**County:** Greenup

**Type of Agency Interest:** WASTE- Solid Waste Landfill (562212)

**Agency Interest Contact:**

**Title:**

**Phone:**

**Purpose:** Inspection

**Inspection Type:** SW CEI Landfill, Contained

**Inspection Date:** 02/04/2016

**Start Time:** 01:20 PM

**End Time:** 04:30 PM

**Latitude:** 38.39765000

**Longitude:** -82.80656000

**Coordinate Collection Method:**Decimal Degrees

**Incident ID(s):**

**General Comments:**

An unannounced site visit was conducted to address allegations that NORM/TENORM waste from outside the state of Kentucky was accepted and disposed of at Green Valley Landfill. A request for waste documentation was provided for review during this visit. After review of the waste documentation it was determined that an unpermitted waste (NORM/TENORM) was accepted and disposed of from the state of Ohio at various dates from May 2015 through January 2016. The facility accepted and disposed of 26 loads totaling 368.53 tons.

**Person(s) Interviewed:**

**Name**

**Organization**

Name	Organization
see attached sign in sheet	

Status/Comments:

AIOO1592

Requirement	Status	Results or Comments
<p>Is the site operated and maintained to provide compliance with the permit?. [401 KAR 47:120 Section 1(1)]</p>	<p>V</p>	<p>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.</p>
<p>Has a permanent record of the source, disposal location and quantity of any spill residues and limited quantity generator waste been compiled?. [401 KAR 47:190 Section 8(5)]</p>	<p>V</p>	<p>The owner or operator 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)</p>
<p>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)]</p>	<p>V</p>	<p>Green Valley 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.</p> <p>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.</p>
<p>Is the owner or operator recording, 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)]</p>	<p>V</p>	<p>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).</p>

**Investigator:**

**Title:**

**Date:**

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- N - N-Not Applicable
- E - E-Not Evaluated
- V - V-Out of Compliance-NOV
- C - C-No Violations observed
- I - I-No Violations obs-but impending viol trends obs
- D - D-Out of Compliance-Violations Documented
- O - O-Out of Comp-LOW non-recurrent Adm. or O&M

**Received By:**

**Title:**

**Date:**

**Delivery Method:**

**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.**

