Fact Sheet

Tentative Hazardous Waste Permit Action
Renewal of the Hazardous Waste Post-Closure Permit
Ashland Inc., Route 3 Landfill
Catlettsburg, Boyd County, Kentucky
EPA ID KYD-000-615-898, AI 15605
November 22, 2023

The Kentucky Energy and Environment Cabinet, Division of Waste Management (Division), has tentatively decided to approve the renewal of the Post-Closure Hazardous Waste Permit for the Ashland Inc. Route 3 Landfill. The permitting process is governed by the requirements of the federal Resource Conservation and Recovery Act (RCRA) and Commonwealth of Kentucky statutes and regulations.

The Ashland Inc. Route 3 Landfill is located at 7212 State Route 3, Catlettsburg, Boyd County, Kentucky 44129. The facility contact is Mr. Shannon Lloyd, who may be reached at (614) 790-2274.

I. Purpose of the Permitting Process

The permitting process gives the public the opportunity to evaluate the Ashland Inc. Route 3 Landfill's ability to comply with the hazardous waste management regulations. The Division must prepare a draft permit that identifies, within one concise document, every applicable requirement that must be met. The public then has forty-five (45) days to review the draft permit and submit comments before the Cabinet makes any final permit decision.

II. Facility Description

The Ashland Inc. Route 3 Landfill was established in 1976 for the disposal of various hazardous and solid wastes generated primarily by Ashland Petroleum Company's (now Ashland Inc.) Catlettsburg refinery complex. The landfill was also utilized for disposal of some petroleum related wastes originating at other Ashland Petroleum Company owned facilities including wastes from Ashland's Viney Branch Surface Impoundment.

The entire landfill site is located on 39 acres and is located 1.25 miles west of U.S. 23 on Route 3. The property consists of a maintenance shed, a 300 foot by 100 foot wastewater basin for management of landfill leachate, a subsurface water collection and treatment system also managing landfill leachate, an approximately 1 acre closed surface impoundment, and a 20 acre landfill with a final fill volume of approximately 1,100,000 cubic yards. The area surrounding the facility property is mostly undeveloped land and residential property.

From landfill establishment (1976) until closure (1998), annually about 65,000 tons of waste was disposed of at the landfill. Draft Permit Condition III.A.1 describes both wastes known to be in the landfill and wastes potentially in the landfill. Throughout the permit renewal process there has been some confusion concerning wastes in the landfill. With such, the Division has included the "Skinner List" of wastes (see Draft Permit Condition III.A.1 for details of "Skinner List" constituents) as potentially disposed of within the landfill. The Division does not believe that the alternative proposal to include only constituents observed in on-site waters to be appropriate since groundwater, underdrain and leachate monitoring may not identify every waste placed into the landfill. There may be several reasons for absence of a waste constituent in leachate, underdrain and/or groundwater. Reasons such as the waste degrading quickly, slow waste movement, and/or relatively dry burial spots exemplify why disposed wastes may not have shown up in historical monitoring. However, in the case of slow movement and other factors, the waste constituent may show up in future monitoring.

Closure complied with an approved Closure Plan. However, due to the landfill's establishment prior to enactment of 40 CFR 264 Subpart N, the landfill does not have the leachate collection system of a modern landfill or a foundation liner of plastic (or similar material). Currently, no waste may be accepted by the landfill, the landfill is capped, leachate management is ongoing, and Post-Closure care continues. Post-Closure began in October 2000. The specific manner of closure for the landfill continues to require a RCRA permit.

Due to PCE detection above groundwater protection standards during 2021, Corrective Action requirements were triggered. Consequently, the RCRA renewal permit includes additional/modified conditions related to the Corrective Action. Additional and more frequent (quarterly) groundwater monitoring has been required due to the PCE detection. Further investigation into the source and extent of the observed groundwater monitoring results via a RCRA Facility Investigation

(RFI) is also described within the renewal application and, based on the results of such investigation, additional requirements may be added to the facility's permit through permit modification in the relatively near future (estimated to be within 1 year, if applicable).

The Ashland Inc. Route 3 Landfill has a Kentucky Pollution Discharge Elimination System (KPDES) Permit. The applicable KPDES Permit Number is KY0063096. The landfill is also subject to provisions of the multi-source landfill leachate exclusion described within 401 KAR 39:060 Section 3(8). Beyond these described provisions, the landfill is subject to no other environmental permits or conditions related to regulatory exclusion.

III. Basis of the Draft Permit

The Division has reviewed the permit application, has determined that it is technically complete, and has tentatively decided to issue the Post-Closure renewal permit.

The draft permit includes conditions required under RCRA and the Commonwealth of Kentucky statutes and regulations to ensure that all hazardous waste activities are protective of human health and the environment. Permit conditions are based upon regulatory requirements.

As part of such, in accordance with applicable standards, the Division has established, and the renewal permit includes limits, on hazardous constituents that have been detected in the uppermost aquifer underlying the landfill. For arsenic, limits have been based on the 95th percentile of background monitoring (i.e. the third highest of the sixty, or thereabout, background monitoring observations from 2007 to present is the numerical limit). The basis for other limits is the drinking water Maximum Contaminant Level (MCL), if an MCL has been established. For all other hazardous constituents, the limits have been established based on the 1 in a 1,000,000 risk factors of Regional Screening Levels (RSLs) established by the U.S. EPA.

IV. Procedures to Make a Final Decision

The public notice announces the opening of a forty-five (45) day public comment period in which any interested person is encouraged to submit comments on the proposed draft permit. The public comment period begins on December 7, 2023 coincident with the date of the publication of the public notice in The Ashland Daily Independent and ends on January 25, 2024. All public comment shall submit with name and mailing address of the individual making the comment.

The administrative record, which includes the draft permit, the permit application, and related information, can be reviewed at the following locations:

Division of Waste Management, 300 Sower Blvd., Frankfort, KY 40601

Contact: Tina Fisher at Tina.Fisher@ky.gov

Boyd Co (Ky) Public Library Catlettsburg Branch 2704 Louisa Street, Catlettsburg, KY 41129

Contact: Debbie Cosper

Division of Waste Management web site: https://eec.ky.gov/Environmental-Protection/Waste/hazardous-waste/Pages/permit-review-corrective-action.aspx

Upon request, this information can be made available in alternative formats. To make an appointment, submit a written request at least 72 hours prior to the desired review date.

Anyone wishing to submit a comment, needing additional information, or wanting to be put on the facility mailing list should contact:

Ms. April J. Webb, P.E., Manager
Kentucky Energy and Environment Cabinet
Division of Waste Management
300 Sower Boulevard, 2nd Floor
Frankfort, Kentucky 40601
(502) 782-6470
Email: April.Webb@ky.gov

What will the Division do with the Comments they receive?

After consideration of all written comments and requirements of state laws and regulations, the Director of the Division of Waste Management will make a final decision regarding the permit. If the tentative decision to issue a permit is substantially changed, the Division will issue a public notice indicating a revision of the decision. If the tentative decision to issue a permit modification is substantially unchanged from those announced in the public notice, notification of issuance will be given to the applicant and each person who has submitted comments or requested notice of the final permit decision. When a final permit is issued, the Division will also release a Response to Comments document. All significant comments on the draft permit, raised during the public comment period, will be responded to in the Response to Comments document.

Any person who may be aggrieved by the final issuance of the permit modification may file a petition with the Cabinet or the Division, which sets forth the grounds of the objection and the demand for a formal hearing pursuant to KRS 224.10-420(2). This type of hearing is held before a hearing officer. All parties are advised to have legal counsel present.

The Division of Waste Management does not discriminate on the basis of race, color, religion, national origin, disability, sex, age, sexual orientation, gender identity, ancestry, or veteran status. The division provides, on request, reasonable accommodations necessary to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. To request materials in an alternate format, contact John Moore at (502) 782-6419, or john.moore@ky.gov. Hearing and speech impaired persons may contact the agency by using the Kentucky Relay Service, a toll-free telecommunication device for the deaf (TDD). For voice to TDD, call (800)648-6057. For TDD to voice, call (800)648-6056.