

## **PUBLIC NOTICE AND RESPONSE TO COMMENTS**

Pursuant to Agency Interest No. 33403 / Application No. APE20120001

As a result of an adjudicative hearing conducted consistent with 401 KAR 47:140 Section (11) and KRS 224.10-420(2), the Energy and Environment Cabinet, Division of Waste Management (Division) received the Secretary's Order, File No. DWM-47357 entered on April 17, 2020 related to the horizontal expansion application for Central Kentucky Landfill. The Final Order directs the Division to deny the technical application and not approve or finalize the related draft permit.

Therefore, the Division is issuing this Public Notice of Denial and the response to comments pursuant to 401 KAR 47:140 Sections 16 and 17 on the Draft Permit issued on December 16, 2016. Further, in accordance with 401 KAR 47:140, Section 3(2), the Division is issuing this Notice of Intent to Deny the modified Administrative Application submitted on October 9, 2018 and subsequent information and modified Technical Application submitted on November 20, 2018 and subsequent information on the basis of the Secretary's Order. Because the Permit Application has been denied, the Division will take no further action with respect to the Application No. APE20120001. Any expansion application will be required to comply with all applicable statutes and regulations for permit issuance as a new application, including but not limited to KRS 224.40-310 - 224.40-315 and 401 KAR 47:160 - 47:190.

The name and address of the permit applicant is Waste Services of the Bluegrass, LLC, 604 Bizzell Drive, Suite 250, Lexington, KY 40510. The contact person is Greg Elkins, who can be reached by telephone at (502) 225-2521. The name and address of the facility is Central Kentucky Landfill, 493 Double Culvert Road, Georgetown, KY 40324. The permit application was processed at the Division of Waste Management, Solid Waste Branch, Second Floor, 300 Sower Boulevard, Frankfort, KY 40601.

The application and related information are incorporated into the administrative record and can be made available by submitting a written request to [eec.kora@ky.gov](mailto:eec.kora@ky.gov) at least 72 hours prior to the desired review date. Please include the Agency Interest No. 33403 and Application No. APE20120001 in the email request. For assistance with an open records request, please contact Emily Perkins at (502) 782-1786. For other questions pertaining to the solid waste permitting process or questions specific to this permitting action, please contact Jamie Nielsen at [Jamie.Nielsen@ky.gov](mailto:Jamie.Nielsen@ky.gov) or at (502) 782-6426. The documents associated with this action are available on the Cabinet's eSearch website by searching for Agency Interest ID 33403, clicking the "AI details" hyperlink, and expanding the Solid Waste Program row under the Activities with Downloadable Documents table at: [http://dep.gateway.ky.gov/eSearch/Search\\_AI.aspx](http://dep.gateway.ky.gov/eSearch/Search_AI.aspx)

Anyone wishing to make comments or request a hearing on the Notice of Intent to Deny the modified Administrative Application and modified Technical Application, should submit the comment(s) or hearing request in writing to Danny Anderson, P.E., Division of Waste Management, Solid Waste Branch, Second Floor, 300 Sower Blvd., Frankfort, KY 40601 or to [Danny.Anderson@ky.gov](mailto:Danny.Anderson@ky.gov), no later than the close of business on June 8, 2020, the end of the 30-day public comment period.

In accordance with the provisions of KRS 224.10-470, appeals may be taken from Secretary's Final Order by filing a Petition for Review in Franklin Circuit Court. Such Petition must be filed within thirty (30) days from the entry of the Final Order, and a copy of the Petition must be served upon the Secretary of the Cabinet.

The Cabinet does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation or gender identity, ancestry, age, disability, or veteran status. The Cabinet provides, on request, reasonable accommodations necessary to afford individuals with a disability an equal opportunity to participate in all services, programs, and activities. Publication of this notice is pursuant to 401 KAR 47:140.

**RESPONSE TO COMMENTS**  
**WASTE SERVICES OF THE BLUEGRASS, LLC - CENTRAL KY LANDFILL**  
**SCOTT COUNTY, KENTUCKY**  
**CONTAINED LANDFILL HORIZONTAL EXPANSION**  
**AGENCY INTEREST 33403, APPLICATION NO. APE20120001**  
**May 9, 2020**

**Background:** The Division of Waste Management (DWM) received a number of comments from the public hearing held January 11, 2017 and multiple thirty (30) day public comment periods on the above proposed landfill expansion application and draft permit issued on December 16, 2016. The following is a summation of the significant comments received prior to the close of the draft permit comment period and responses to those comments.

**Comment 1:** Comments were received about the property zoning within the landfill expansion area being inappropriate for landfill activity.

**Response:** The applicant did not provide information for the municipal solid waste facility in the Technical Application that conforms to and is consistent with applicable zoning regulations adopted pursuant to KRS Chapter 100. Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application. Additional details may be found in the Hearing Officer's Report and Recommended Secretary's Order and the Secretary's Order, both with reference to File No. DWM-47357.

**Comment 2:** Comments were received suggesting inadequate public notice was given for the application.

**Response:** KRS 224.40-310(3) and 401 KAR 47:140 provide for the manner and form of public notice. Public notices regarding the application were published on August 28, 2012, February 3, 2015, and December 20, 2016. A public hearing was held January 11, 2017.

The Secretary's Order dated April 17, 2020 indicated that the Public Notice issued on December 20, 2016 was deficient because it lacked language required by KRS 224.40-310(6) which sets forth a person's hearing rights.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 3:** A commenter stated that it was not productive to not answer questions until after the final permit decision was made.

**Response:** 401 KAR 47:140, Section 16(1) requires the Cabinet to respond to comments at the time a final decision is issued.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 4:** A commenter asked how residents could prevent the approval of the landfill expansion other than physically blocking the trucks from using the roads. Another commenter asked what criteria are used to decide whether a landfill expansion is approved and what effect the public comments have in the decision.

**Response:** The application review process for this type of action is not initiated in the Solid Waste Branch of DWM until a determination from the governing body (county or waste management board) is received pursuant to KRS 224.40-315(1). This local determination process includes a procedure for public comment and is overseen by the governing body. After the local determination is complete, the review process by DWM begins.

DWM regulates this type of waste facility pursuant to the standards of KRS Chapter 224, including Subchapters 10, 40, 43 and 50 and the administrative regulations promulgated pursuant thereto, including 401 KAR Chapters 30, 47, and 48. A permit shall only be issued after the application demonstrates the applicable provisions have been met in accordance with 401 KAR 47:160, Section 4.

Comments received during the appropriate comment period(s) are compiled, reviewed, and responded to in accordance with the provisions of 401 KAR 47:140.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 5:** Comments were received about conditions of existing local roads, the potential for increased traffic on these roads, leaking garbage trucks, waste blowing from garbage trucks, and resulting traffic safety concerns.

**Response:** The application included an analysis on the impact to transportation. Except for issues related to tracking material off of the property onto the roadways, the Kentucky Transportation Cabinet oversees matters related to traffic and safety on the public roadways. Because the application is being denied, no further analysis of the impact to transportation is required at this time.

**Comment 6:** Several commenters asked that the Kentucky Department of Transportation do a traffic study on Highway 25. It was also stated that there should be a new exit on Highway 25 just for the landfill.

**Response:** The Kentucky Transportation Cabinet (KYTC) is the lead agency responsible for this matter. Concerns about conditions of roads, traffic (including truck traffic), and public safety as it relates to roadways should be directed to the KYTC.

**Comment 7:** A commenter asked if state employees or county officials could be held criminally liable for approving the landfill expansion if another person was killed due to traffic on Highway 25.

**Response:** DWM regulates waste pursuant to the standards of KRS Chapter 224, Subchapters 40, 43 and 50 and the administrative regulations promulgated pursuant thereto. Permits issued by the Cabinet do not govern criminal liability for traffic accidents.

**Comment 8:** Comments were received concerning negative effects on water, human health, livestock, and the surrounding environment. Commenters have stated that toxins and contaminants can get into the surrounding environment. Further comments were received about the deterioration of groundwater and surface water with the need for more stringent monitoring and the suitability of the landfill liner.

**Response:** 401 KAR Chapters 47 and 48 outline provisions for a composite liner, groundwater monitoring and surface water monitoring. The liner and monitoring system designs must meet these regulatory requirements, and the owner or operator shall be subject to assessment activities per these regulations if contaminants are detected. Specifically, 401 KAR 48:300 outlines groundwater and surface water monitoring and assessment requirements, and liner requirements are outlined in 401 KAR 48:080; the application meets these requirements.

Further, the Division of Water regulates surface water quality pursuant to the standards in KRS Chapter 224, Subchapter 70 and the administrative regulations promulgated pursuant thereto.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 9:** A commenter stated that the Kentucky Geological Survey has published a map showing that the landfill overlies intense karst development. Other comments were received about the landfill being situated in karst terrain.

**Response:** The map referred to by the commenter is a map of the entire county that is presented as general information. It is not site-specific, nor was it intended to be. Other KGS maps show the county in more detail (see [https://kgs.uky.edu/kgsweb/olops/pub/kgs/mc48\\_12.pdf](https://kgs.uky.edu/kgsweb/olops/pub/kgs/mc48_12.pdf)).

Note that this map shows the landfill is underlain by shale and limestone with "medium to low" karst potential. More detail is provided on the Delaplain Geologic Quadrangle Map ([https://ngmdb.usgs.gov/Prodesc/proddesc\\_10960.htm](https://ngmdb.usgs.gov/Prodesc/proddesc_10960.htm)). On a smaller scale, site-specific information provided in both this application and previous applications shows no "intense karst" at the landfill site.

At the surface, Central Kentucky Landfill is underlain by the Clay's Ferry Formation, which consists of interbedded shale, limestone, and siltstone. Karst geology is not well-developed at the landfill site, because limestone beds in the Clay's Ferry Formation are typically thin and because shale beds inhibit the downward migration of groundwater. Caves (i.e., karst features large enough to be entered by a person) are not present in the Clay's Ferry Formation at the landfill site. Small sinkholes can develop in the Clay's Ferry in the area, and localized shallow underground drainage may develop.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 10:** One commenter asserted that the landfill overlies a large aquifer.

**Response:** No regional or local geological information exists that indicates that a large aquifer exists beneath the site. Wells in upland areas produce little or no water, and wells in large stream valleys produce as much as 100 to 500 gallons per day.

Well water is often mineralized, with salt water (brine) encountered at depths of 40 to 60 feet. See: [https://ngmdb.usgs.gov/Prodesc/proddesc\\_10960.htm](https://ngmdb.usgs.gov/Prodesc/proddesc_10960.htm)

Groundwater at the landfill flows predominantly in the soil and upper weathered, fractured bedrock and discharges to nearby surface water through small springs and seeps.

The Tanglewood Limestone (generally less than ten feet thick) is present at depth beneath the site, but does not outcrop at the surface. Tritium testing conducted in support of the 2001 Groundwater Assessment Report concluded that water in the Tanglewood Limestone at the landfill was consistent with the composition of brine, and not suitable for monitoring for landfill releases. Salt water is typically encountered in the area at 40 to 60 feet below ground level, according to the USGS. See: [https://ngmdb.usgs.gov/Prodesc/proddesc\\_10960.htm](https://ngmdb.usgs.gov/Prodesc/proddesc_10960.htm)

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 11:** A comment was received about dichloromethane not having a limit on the groundwater monitoring guidelines.

**Response:** The Environmental Performance Standards of 401 KAR 47:030 Section 5 do not define a limit for dichloromethane in groundwater. As a result, no limit was included in the draft permit. Please note that for anthropogenic volatile organic compounds, statistical analysis is actually more conservative than maximum contaminant levels (MCLs) because unaffected groundwater should have a concentration of zero.

**Comment 12:** A comment was received about computer modeling of estimation of chemical profiles from wastestreams.

**Response:** No provision for computer modeling of chemical profiles in waste streams exists in the applicable statutes or regulations. Note that contained landfills are constructed to the strictest standards of any type of solid waste site or facility in accordance with 401 KAR Chapters 47 and 48. A contained landfill, when properly designed, constructed, operated, and maintained, should not result in the release of contaminants to the environment.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 13:** A comment was received that the existing groundwater well network is ineffective and that new wells should be required.

**Response:** Groundwater at the landfill flows mostly in the soil and upper weathered, fractured bedrock and discharges to surface water through small springs and seeps.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 14:** A comment was received that the groundwater investigation prepared for the application, including Groundwater User Inventory Sheets, was inadequate.

**Response:** Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 15:** A commenter asked that the state have an inspector on site.

**Response:** Inspections are conducted pursuant to 401 KAR 40:020 and 401 KAR 47:120, Section 1(9). Also, construction inspections are conducted pursuant to KRS 224.40-310(11).

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 16:** A commenter asked that the state be responsible for sampling and monitoring at the landfill.

**Response:** State representatives reviewed the proposed groundwater monitoring and surface water monitoring systems for the proposed landfill expansion and determined both met the technical requirements of 401 KAR 48:300. The owner and operator remain responsible for monitoring the groundwater and surface water pursuant to their current operating permit.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 17:** Multiple comments discussed the impacts on wildlife and the nearby wildlife management area. Comments included that the proposed landfill expansion should not violate the Endangered Species Act of 1973 (ESA); that consideration should be given to endangered or threatened species; asking about the possible effects on the wildlife and native plants; asking the effects of taking down 150 acres of trees on two species of endangered bats known to live in the area and potential mitigation actions; and how monitoring and clean up any potential runoff into wildlife management areas would occur.

**Response:** Coordination with the U.S. Fish and Wildlife Service (USFWS) was conducted during the review process. Attachment 7 of the Administrative Application and Attachment 33 of the Technical Application contain provisions and special considerations related to this matter. The application includes a letter dated November 29, 2016 from the USFWS which states, "In view of

these findings and the commitment to the measures specified above, we believe that the requirements of section 7 of the Endangered Species Act would be fulfilled for this project.” The draft permit contained the condition that the owner or operator shall comply with all recommendations and conditions from the UFSWS.

Pursuant to the Secretary’s Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 18:** Comments were received about the landfill plans leading to decreased property values.

**Response:** The Division of Waste Management (DWM) regulates waste pursuant to the standards of KRS Chapter 224, Subchapters 10, 40, 43 and 50 and the administrative regulations promulgated pursuant thereto. Property value considerations are outside of the regulatory authority of KRS Chapter 224.

Pursuant to the Secretary’s Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 19:** Comments were received about doing more recycling and reusing garbage in lieu of landfilling.

**Response:** The Energy and Environment Cabinet promotes and encourages recycling activities through educational events and literature as well as providing grants to local government agencies as funds are available.

**Comment 20:** Multiple comments were received about improper disposal of unpermitted/hazardous waste and the violations under the Central Kentucky Landfill and current ownership. Comments included questions regarding activities at other landfills; the history of improper electronic waste disposal; why local agencies/officials were not notified regarding the disposal of hazardous waste at the landfill; how it was cleaned up; and how that information is considered in the permit process.

**Response:** KRS 224.40-330(3) states no permit shall be issued to an applicant where the applicant or key person is currently in violation until the violation has been corrected or is in the process of being corrected and 401 KAR 47:140, Section 18 allows for the determination of any requirement for specialized permit conditions based on past performance.

At the time of the notice of violation was issued for the improper disposal of electronic wastes, there was no statutory provision requiring the cabinet to notify local officials. It is unknown whether a local ordinance or provision in the local host agreement between the Scott County Fiscal Court (county) and Waste Services of the Bluegrass LLC (landfill) existed at the time requiring the landfill to notify the county.

The Energy and Environment Cabinet and Waste Services of the Bluegrass LLC entered into an Agreed Order, DWM - 150512 on October 11, 2016. The agreed order outlined remedial measures



and past violations, including the violation for the non-conforming waste received at the Construction Demolition Debris Landfill at the Central Kentucky Landfill location. A subsequent permit modification to change the permitted closure plan to implement the remedial measures of that order was challenged and is the subject of a different hearing (Case No. DWM 48334).

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 21:** Commenters stated that the trucks were traveling to the landfill outside normal hours, in the middle of the night.

**Response:** Central Kentucky Landfill is required to post operating hours for disposal activities. On occasion, DWM may authorize the landfill to operate slightly outside of these hours due to extenuating circumstances, i.e. severe weather or equipment failure. DWM does not regulate the time the trucks are traveling to and from the landfill. To file a complaint about operations of the landfill outside of these hours, please call DWM at (502)782-6548.

**Comment 22:** Comments were received about negative effects on air, noise pollution, landfill odors, and dust. Concerns were raised about the offsite migration of odors.

**Response:** The Division for Air Quality (DAQ) regulates air quality pursuant to the standards in KRS Chapter 224, Subchapter 20 and Subchapter 30 and the administrative regulations promulgated pursuant thereto. To file an odor complaint, please call DAQ at (502)782-6592.

Noise nuisance ordinances can be implemented and enforced by local county government and local law enforcement.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 23:** Comments were received about waste being accepted and disposed from non-local sources.

**Response:** The current facility permit allows the facility to accept from 62 counties in Kentucky and 5 counties in Ohio. The expansion application did not propose any new source counties.

**Comment 24:** A commenter asked where landfill monitoring reports would be filed.

**Response:** Central Kentucky Landfill shall submit reports to DWM per 401 KAR 47:190, Section 8. The documents are kept on file with the cabinet. To obtain copies, submit an open records request to [EEC.KORA@ky.gov](mailto:EEC.KORA@ky.gov).

**Comment 25:** Comments were received inquiring whether the site was sacred to Native Americans or a Civil War Battle site and if the site was assessed for historical value.

**Response:** In the most recent letter, dated October 13, 2015, the Kentucky State Historic Preservation Office (KHC) stated the project appeared to have no effect to historic properties and the project could have proceeded without further consultation with the KHC.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 26:** Comments were received inquiring about fees that are paid to the state and county by Central Kentucky Landfill for this type of permit, fees per ton, and questions about how the money is spent.

**Response:** KRS 224.10-100(20) and 401 KAR 47:090 outline the application fee provisions. A Notice of Intent is \$2,500, an Administrative Application is \$10,000, and a Technical Application is \$25,000. In addition, for a Contained Landfill, owners or operators pay a \$7,500 annual permit fee. These monies are used to recoup the cost of processing permit documents and other costs in accordance with KRS 224.10-100(20).

The Environmental Remediation Fee is required pursuant to KRS 224.43-500. Generators pay \$1.75 per ton of solid waste. The money is collected by the landfill and remitted to the state. These monies are used by the Kentucky Pride Fund as outlined in KRS 224.43-505. Activities include closing and conducting corrective measures to abandoned landfills that ceased accepting waste prior to July 1, 1992 and for cleaning up open dumps.

DWM does not oversee payments made to the county by the landfill. DWM is not a party to the host agreement or contract between the landfill and the county. Further, DWM does not dictate tipping fees (disposal cost the landfill charges).

**Comment 27:** Commenters asked whether local residents would have to pay higher rates to have their trash hauled farther away for disposal if the landfill filled up.

**Response:** DWM does not determine the amount residents pay for hauling trash. The local governing body (i.e. the Scott County Fiscal Court) has a 5-year management plan that discusses, among other things, the trash hauling service.

**Comment 28:** Commenters asked who would profit from the landfill expansion: the landfill owner, the state, or the local taxpayers of Scott County.

**Response:** A private landfill owner most likely intends to make a profit from authorized airspace. The state uses money collected from landfills through associated fees to provide essential services, like regulatory oversight and in accordance with the provisions of the Kentucky Pride Fund. The local government may have a host agreement and/or a local ordinance in which either can outline fees paid to the local government.

**Comment 29:** A commenter asked who would be liable to fix any problems with the site if the landfill owner went bankrupt.

**Response:** The landfill owner shall post financial assurance in accordance with 401 KAR 48:310. If they go bankrupt or abandon the site or do not fulfill regulatory obligations, the state can use those funds to close, maintain, and monitor the landfill in accordance with KRS 224.40-110.

**Comment 30:** A comment was received inquiring if any part of the landfill expansion required less than a 250 foot buffer.

**Response:** No.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 31:** Comments were received about litter, mud on the roads, and debris from the landfill.

**Response:** Pursuant to 401 KAR 48:090, all litter attributable to the site's operation shall be picked up within forty-eight (48) hours. Pursuant to 401 KAR 48:090, the owner or operator shall remove debris, mud, and waste from vehicles before leaving the site and shall be responsible for removing landfill debris, mud, and waste from off-site roadways. To file a complaint about litter, mud on the roads, and debris from the landfill, please call DWM at (502)782-6548. To file a complaint regarding mud on the roads, you may also call DAQ at (502)782-6592.

**Comment 32:** A commenter stated that although the landfill has a wheel wash, it was not operational due to a lack of water.

**Response:** Please see the response to the comment 31 above.

**Comment 33:** Comments were received about the landfill receiving non-conforming waste, i.e. medical waste and radioactive waste.

**Response:** Central Kentucky Landfill may only accept waste authorized by KRS Chapter 224, the application, and the facility permit. Prior to accepting certain wastes (such as special waste and industrial waste), Central Kentucky Landfill shall evaluate the individual wastestream and complete the waste criteria form. Also, the landfill shall conduct random inspections of incoming loads. These procedures and forms can be found in Attachment 17 of the Technical Application.

The Energy and Environment Cabinet and Waste Services of the Bluegrass LLC entered into an Agreed Order, DWM - 150512 on October 11, 2016. The agreed order outlined remedial measures and past violations, including the violation for the non-conforming waste received at the Construction Demolition Debris Landfill at the Central Kentucky Landfill location.

**Comment 34:** A commenter asked about whether or not untreated medical waste was being disposed in the landfill and further asked how landfill personnel checked to make sure only approved waste was going into the landfill.

**Response:** Please see the response to the comment 33 above.

**Comment 35:** A commenter asked about the possibility of radioactive waste going into the landfill and by what criteria the waste was tested before being disposed. It was also asked what criteria was used to evaluate special waste to see if it was suitable for disposal.

**Response:** Please see the response to the comment 33 above.

Further, please note, since the issuance of the draft permit, 401 KAR 48:090 was updated to include additional regulations pertaining to prohibited waste, and these updated regulation provisions have been incorporated into the existing facility permit that does not include the proposed expansion area.

**Comment 36:** A commenter asked about the meaning of special waste.

**Response:** Special wastes are described in KRS 224.50-760. Also, the application discusses wastes that require special handling procedures and acceptance criteria. This can be found in Attachment 17 of the Technical Application.

**Comment 37:** A comment was received that the DWM should not issue a draft permit prior to USACE approval.

**Response:** The draft permit contained a condition with this provision: Construction is prohibited in affected areas until 1) receipt of concurrence from the U.S. Army Corps of Engineers (Corps), 2) any protective measures or mitigation activities are outlined, and 3) the concurrence and supporting documents (including any permits issued by the Corps) are submitted to and accepted by the Division of Waste Management.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 38:** Commenters asked about potential rail operations.

**Response:** No rail operations were proposed. Prior to accepting waste via rail, Central Kentucky Landfill is required to submit an application to DWM.

**Comment 39:** Comments were received inquiring whether a full Environmental Impact Study, which considers, among other items, increased avian population on local air traffic/airport, and the effects of runoff and leachate on the local water table and area aquifers, was done for this application.

**Response:** The Kentucky Division of Waste Management reviews solid waste management applications based on KRS Chapter 224 and 401 KAR Chapters 47 and 48. These statutes and regulations incorporate siting criteria, design requirements, and compliance obligations. Pursuant to 401 KAR 48:050, Section 4, an applicant must notify the affected airport and the Federal Aviation Administration, if the facility is or will be located within a five (5) mile radius of any airport runway end used by turbojet or piston-type aircraft.

A solid waste site shall not contaminate the groundwater or surface waters of the Commonwealth per 401 KAR 47:030, Sections 4 and 5.

401 KAR Chapters 47 and 48 outline provisions for a composite liner, groundwater monitoring and surface water monitoring. The liner and monitoring system designs must meet these regulatory requirements, and the owner or operator shall be subject to assessment activities per these regulations if contaminants are detected. Specifically, 401 KAR 48:300 outlines groundwater and surface water monitoring and assessment requirements, and liner requirements are outlined in 401 KAR 48:080.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 40:** A commenter stated that instead of having the landfill owner decide when the landfill was at capacity an outside source should determine when the landfill was full.

**Response:** Total permitted capacity is established in solid waste permits, which are reviewed and issued pursuant to KRS Chapter 224 and 401 KAR Chapters 47 and 48. Total county waste disposal capacity is determined by the local governing body (i.e. Scott County Fiscal Court) through the solid waste management planning process established in KRS Chapter 224 Subchapter 43 and KRS Chapter 109.

Annual surveys are required pursuant to 401 KAR 47:190, Section 8(2). The survey includes information pertaining to remaining authorized capacity.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 41:** Comments were received that the public notice does not disclose that the final height of the landfill, as proposed, would be over 200 feet.

**Response:** Required public notice information can be found in 401 KAR 47:140. The proposed landfill contours (height) are not required to be in the public notice document run in the newspaper, but were located within the Technical Application, which is incorporated into the administrative record. To get records available to the public, including the Technical Application, submit an open records request to [EEC.KORA@ky.gov](mailto:EEC.KORA@ky.gov).

**Comment 42:** A comment was received that the DWM should require that the sedimentation basin embankment meet KRS dam safety requirements.

**Response:** The Kentucky Division of Water regulates design criteria for dams and associated structures pursuant to the standards in KRS Chapter 151, Subchapter 250 and the administrative regulations promulgated pursuant thereto.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 43:** A comment was received as to inconsistencies between Section 21.3.1 and 22.3.2 of the application. The commenter asked which maximum particle size was correct, and how DWM assure no larger particles will be included.

**Response:** Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 44:** A comment was received questioning whether the borrow area would provide sufficient soil quantities for the proposed expansion.

**Response:** Soil volume quantities were found in Attachment 10 of the Administrative Application.

Pursuant to the Secretary's Order issued on April 17, 2020, the Cabinet is denying the permit application.

**Comment 45:** A commenter expressed concern about the variance regarding landfill cover and asked if the landfill cover was adequate. If so, the commenter wanted to know why there are odor problems.

**Response:** The owner or operator shall comply with cover requirements in 401 KAR 48:090 or may use an alternate specification in accordance with the approved plan(s). An alternate specification may only be used upon a demonstration by a P.E. that the alternative results in performance, with regard to safety, stability, and environmental protection, equal to or better than that resulting from the designs with the standard requirements. If cover is not applied in accordance with the permit and approved plans and to file a complaint about inadequate cover, please call DWM at (502)782-6548.

Odor violations may be caused by issues that are not associated with inadequate cover, such as operations and maintenance issues with the landfill gas collection and control system. To file an odor complaint, please call DAQ at (502)782-6592.

**Comment 46:** Comments were received concerning cover requirements, including the materials and suitability of the daily, interim, long term, and final cover.

**Response:** 401 KAR 48:090 outlines requirements for cover. At the end of the day, the owner or operator must apply a minimum of six (6) inches of daily cover. In lieu of soil, tarps may be placed on the waste at the end of the day in accordance with the approved plans. Also, the owner or operator must apply interim, long term and final cover in accordance with the regulation and approved plans. To file a complaint about inadequate cover, please call DWM at (502)782-6548.

**Comment 47:** A commenter questioned whether the proposed expansion was on property the permittee already owned. Another commenter asked whether the landfill could expand another 500 acres later.

**Response:** At the time the application was submitted, DWM understood that the applicant owned the property delineated as the property boundary in the application. The application and draft permit issued in December of 2016 did not propose waste placement on the “additional 500 acres”. This additional acreage was proposed for other uses only, not waste placement. The owner or operator could submit an application for waste placement on this “additional 500 acres” upon receiving local determination from the local governing body.

Pursuant to the Secretary’s Order issued on April 17, 2020, the Cabinet is denying the permit application based on a comment received by the Georgetown-Scott County Planning Commission that zoning on the adjoining tract was improper.

-- END --