

Response to Comments
Maysville-Mason Co Landfill
New Greater-Than-One Acre Construction & Demolition Debris (CDD) Landfill
Agency Interest 3013 APE20130001
November 6, 2019

Background: The Division of Waste Management (DWM) issued a draft permit on September 12, 2019 for the Maysville-Mason County Landfill for a permitting action proposing a new CDD > 1 acre landfill. Public notices were published related to this action on August 14, 2013, November 23, 2015, September 14, 2017, and September 12, 2019.

DWM received a number of comments during the multiple comment periods of the mentioned public notices on the above-referenced proposed landfill. The following is a summation of the comments and responses to those comments that directly relate to the permit issuance.

Comment: A commenter stated that the proposed project has the potential to impact sites that are on or are eligible to be on the National Register of Historic Places, and recommended the applicant have a cultural historic survey and an archaeological survey conducted and that the reports be sent to the State Historic Preservation Office (SHPO) for review, comment and approval.

Response: The applicant provided concurrence from the State Historic Preservation Office on June 2, 2014, stating SHPO concurs with the report submitted, which recommends that the six identified archaeological sites do not require additional investigation, and the four identified cultural historic sites are not eligible for register with the National Register of Historic Places.

Comment: A commenter asked why letters are sent to adjacent property owners when landfills are able to operate the way they want to. Her property has gypsum on it from the current landfill. The applicant should have covered it by now, according to what they told her but have not yet. The commenter believes they are still dumping on site, due to hearing tailgate noises. This commenter has mentioned filing complaints that have no outcomes.

Response: The public notices are distributed in accordance with the provisions of 401 KAR 47:140, which sometimes includes sending a copy to adjacent property owners. Pursuant to 401 KAR 47:030, Section 12, a solid waste site or facility shall not result in a public nuisance because of blowing litter, debris, or other waste or material. If any person wished to file a complaint, they may do so by contacting Alex Ballard at (502) 782-6548.

Comment: Comments were received about DWM issuing a notice of intent to deny on the basis of exceeding the 365 day timeframe in accordance with KRS 224.40-310(10)(d). The commenter did not agree the timeframe was cause for denial. The commenter also stated obstacles had arisen throughout the permitting process resulting in a delay.

Response: DWM still believes cause existed to deny the application, absent an agreement. After the notice of intent to deny was issued, DWM and the applicant agreed to extend the timeframe. The application was not denied based on the timeframe pursuant to KRS 224.40-310(10)(d).

Comment: A commenter stated the total permit area should be 736.20 acres, and not 544.00.

Response: The commenter was correct. The draft permit had an error, and the final permit has been fixed to reflect 736.20 acres for the total permitted area.

Comment: An error was discovered by a DWM staff member regarding the annual fee pursuant to 401 KAR 47:090 for the new CDD landfill.

Response: The condition was removed since the site is exempt from this annual permit renewal fee.

Comment: A DWM staff member found a potential discrepancy regarding the cost estimate.

Response: A new permit condition was added for clarification purposes. It states, “In accordance with 401 KAR 48:310, Sections 2 and 3, the owner or operator shall submit a site-wide closure and post-closure care cost estimate with the construction progress report documenting construction of the liner system. [401 KAR 47:120, Section 2, 401 KAR 48:310]”

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