

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY FOR THE)	CASE NO. 2017-00195
CONSTRUCTION OF AN ELECTRIC)	
TRANSMISSION LINE)	

**LOUISVILLE GAS AND ELECTRIC COMPANY’S APPLICATION FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Applicant, Louisville Gas and Electric Company (“LG&E”), pursuant to KRS 278.020, 807 KAR 5:001, and 807 KAR 5:120, hereby applies to the Kentucky Public Service Commission (“Commission”) for a Certificate of Public Convenience and Necessity for the relocation and construction of a 138 kV electric transmission line located on Waste Management’s property in Jefferson County, Kentucky, at the request of Waste Management.

In support of this Application, LG&E states as follows:

1. Address (807 KAR 5:001, Section 14(1)). The full name and mailing address of LG&E are: Louisville Gas and Electric Company, Post Office Box 32010, 220 West Main Street, Louisville, Kentucky 40202. LG&E may be reached by electronic mail at the electronic mail addresses of its counsel set forth below.

2. Incorporation (807 KAR 5:001, Section 14(2)). LG&E was incorporated in Kentucky on July 2, 1913, and is currently in good standing in Kentucky.

3. LG&E is a utility engaged in the electric and gas business. LG&E generates and purchases electricity, and distributes and sells electricity at retail in Jefferson County and portions of Bullitt, Hardin, Henry, Meade, Oldham, Shelby, Spencer, and Trimble Counties. LG&E also purchases, stores, and transports natural gas and distributes and sells natural gas

at retail in Jefferson County and portions of Barren, Bullitt, Green, Hardin, Hart, Henry, Larue, Marion, Meade, Metcalfe, Nelson, Oldham, Shelby, Spencer, Trimble, and Washington Counties.

4. LG&E seeks a certificate of public convenience and necessity to construct a 138 kV transmission line, approximately 6,000 feet in length, on Waste Management's property. The proposed construction would relocate an existing electric transmission line that bisects Waste Management's recycling and disposal facility near KY 1065 (commonly referred to as the "Outer Loop Landfill").¹ The relocation of the line, which was requested by Waste Management, would allow Waste Management to operate and accept waste deliveries at the Outer Loop Landfill for several additional years. Waste Management has agreed to pay the construction and relocation costs of the electric transmission line.

5. Waste Management is a LG&E customer that operates waste services facilities throughout the United States, including various locations in Kentucky. One of the facilities Waste Management operates in Kentucky is the Outer Loop Landfill in Louisville. The Outer Loop Landfill opened in 1969 and is expected to operate for approximately fifty more years. The facility is over 750 acres, with over 500 acres permitted for disposal. The Outer Loop Landfill is a regional facility that provides disposal services for communities, businesses, and industries serving Louisville Metro and surrounding areas.

Statement of Public Convenience and Necessity (807 KAR 5:001, Section 15(2)(a)).

Relocating the electric transmission line at the request of Waste Management allows

¹ Waste Management has also requested the relocation of a gas transmission line to the same location. Waste Management has agreed to pay the construction and relocation costs of the gas transmission line, except for \$500,000 (4% of the total project cost), which LG&E will incur to increase the diameter of the gas pipe being relocated in order to improve LG&E's system. LG&E believes that no CPCN is necessary for the construction of the gas transmission line pursuant to KRS 278.010(1) because it is an ordinary extension in the usual course of business. 807 KAR 5:001 Section 15 (3).

LG&E to serve the needs of Waste Management without negatively impacting other customers. LG&E considered as alternatives to accommodating Waste Management's request (1) refusing to relocate the line or (2) relocating the line to a different location, but determined that relocating the line to the location described herein is the best most reasonable option and required by public convenience and necessity. First, because the transmission line exists in private easements, LG&E has the right to refuse to relocate. However, there is no net cost to accommodate Waste Management's request to relocate the electric line. Second, LG&E recognizes the harm to the community if refusing to relocate the line contributed to increased waste removal costs if Waste Management prematurely closed its facility. The Outer Loop Landfill is a regional facility that is expected to provide disposal capacity for approximately fifty more years for the Louisville Metro and surrounding areas; the requested relocation is central to Waste Management's operating plans. Third, LG&E considered but rejected an alternative route located along KY 1065 because the alternative route was longer in length and a portion of the land required for it has been designated as wetlands. The increased length would result in more energy transmission losses and greater maintenance costs and the larger resulting footprint in the wetlands could result in increased environmental risks and permitting challenges.

6. Franchises and Permits (807 KAR 5:001, Section 15(2)(b)). LG&E is not required to obtain franchises from any public authorities and, thus, none are submitted herewith as required by 807 KAR 5:001, Section 15(2)(b). In LG&E's agreement with Waste Management, Waste Management has agreed to obtain all necessary permits associated with the construction of the proposed transmission line. Those permits are:

- a) Landfill Conditional Use Permit (Permit No. B-28-85) (Exhibit 1)
- b) Metropolitan Sewer District (“MSD”) Site Disturbance Permit (Permit No. 1016677) (Exhibit 2)
- c) MSD Floodplain Management Development Permit (Permit No. 699) (Exhibit 3)
- d) Kentucky Division of Waste Management, Solid Waste Permit (Permit No. SW05600028) (Exhibit 4)
- e) Kentucky Division of Water, Kentucky Pollution Discharge Elimination System (“KPDES”) Permit (Permit No. KY0091995) (Exhibit 5)
- f) US Army Corps of Engineers Permit (Permit No. 200301197) (Exhibit 6)
- g) Consolidated Mitigation Plan Addendum 1 (Exhibit 7)

Copies of such permits are included as exhibits in this application, pursuant to 807 KAR 5:001, Section 15(2)(b).

7. Description of Location and Route (807 KAR 5:001, Section 15(2)(c)). The proposed transmission line will be constructed on Waste Management’s Outer Loop Landfill and will relocate the existing 138 kV Appliance Park – Ashbottom electric transmission line. The proposed line will be located approximately 750 feet to the northeast of the current line. To construct the line, an access road will first be constructed by Waste Management around the perimeter of the fill boundary within the transmission and gas easement. After this, seven spans of the line will be constructed and then tied in with the main circuit during a period of low demand. Once the tie in is complete, the existing lattice tower line will be removed. The proposed transmission line will not compete with any public utilities, corporations, or persons.

8. Financing of Construction (807 KAR 5:001, Section 15(2)(e)). The proposed electric transmission line will be entirely funded by Waste Management. The contributions from Waste Management will be taxable when received. Although Waste Management will not reimburse LG&E for the amount of the taxes paid on the contributions, LG&E may offset a portion or all of the tax payments through future tax savings through depreciation during the following 20 years.

9. Annual Cost of Operation (807 KAR 5:001, Section 15(2)(f)). The estimated cost of operation of the proposed transmission line is anticipated to be de minimis. This is approximately the same annual cost required to operate the current transmission line on the property.

10. Route Maps (807 KAR 5:120, Section 2(2)). Three maps of suitable scale showing the proposed location of the transmission line, including the affected property boundaries as indicated on the county's property valuation administrator's maps, and the location of all facilities, rights of way, and easements are submitted herewith. Exhibit 8 shows the affected property boundaries and location of the centerline, facilities, and easements. Sketches of proposed typical transmission line support structures are attached as Exhibit 9. A separate map showing the alternative route that was considered is attached as Exhibit 10. The map used in the newspaper notice, with an additional scale, is attached as Exhibit 11.

11. Notice to Landowners (807 KAR 5:120, Section 2(3)). The undersigned hereby verifies that, according to property valuation administrator records in Jefferson County, each property owner over whose property the transmission line is proposed to cross has been sent by first-class mail, addressed to the property owner at the owner's address as

indicated by the Jefferson County property valuation records, a notice containing the information set forth in 807 KAR 5:120, Section 2(3). Property valuation administrator records in Jefferson County indicate that the proposed transmission line will only cross property owned by Waste Management, so notice in accordance with 807 KAR 5:120, Section 2(3) was only given to Waste Management. A copy of such notice is attached hereto pursuant to 807 KAR 5:120, Section 2(4) and designated Exhibit 12.

12. Newspaper Notice (807 KAR 5:120, Section 2(5)). Notice of the intent to construct the proposed transmission line has been published in a newspaper of general circulation in Jefferson County, Kentucky, which included the information set forth in 807 KAR 5:120, Section 2(5). A copy of the newspaper notice for the transmission line is attached hereto pursuant to 807 KAR 5:120, Section 2(6) and designated Exhibit 13.

13. Effect on Financial Condition of Utility (807 KAR 5:120, Section 2(7)). The proposed project does not involve sufficient capital outlay to materially affect the financial condition of LG&E.

WHEREFORE, Louisville Gas and Electric Company respectfully requests the Kentucky Public Service Commission to issue an order by September 15, 2017 granting it a certificate of public convenience and necessity for the construction of a 138 kV transmission line in Jefferson County, Kentucky, as proposed herein, and any and all other relief to which it may be entitled.

Dated: June 16, 2017

Respectfully submitted,



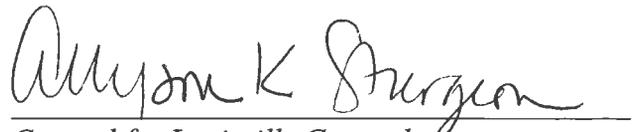
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*Counsel for Louisville Gas and
Electric Company*

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Louisville Gas and Electric Company's June 16, 2017 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on June 16, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that an original of the filing is being hand-delivered to the Commission within two business days of June 16, 2017 and a complete list of the parties and their counsel who should receive electronic notice of this electronic filing from the Commission are shown below:



*Counsel for Louisville Gas and
Electric Company*

VERIFICATION

COMMONWEALTH OF KENTUCKY)
) **SS:**
COUNTY OF JEFFERSON)

The undersigned, **Robert M. Conroy**, being duly sworn, deposes and says he is the Vice President of State Regulation and Rates for Louisville Gas and Electric Company and an employee of LG&E and KU Services Company, and that he has personal knowledge of the matters set forth in the foregoing application, the landowner was sent first-class mail containing the information set forth in 807 KAR 5:120, Section 2(3), and the answers contained therein are true and correct to the best of his information, knowledge and belief.


ROBERT M. CONROY

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 14th day of June 2016.

(SEAL)


Notary Public

My Commission Expires:
JUDY SCHOOLER
Notary Public, State at Large, KY
My commission expires July 11, 2018
Notary ID # 512743

COPY

MODIFIED CONDITIONAL USE PERMIT

DOCKET NUMBER B-28-85

October 20, 2003

The issuance of a Modified Conditional Use Permit has been authorized by the Louisville Metro Board of Zoning Adjustment under KRS 100.237.

Permission is hereby granted for the use as per the Board's minutes of October 20, 2003, the approved Final Site Development Plan and supporting detail plans, and including all previously approved waivers and conditions, as amended.

LOUISVILLE METRO PLANNING AND DESIGN SERVICES
acting as administrative official under KRS 100.237 and
100.271.

By: Steve Hendrix, Planning Coordinator

Administrative Official

Date: 12-18-03



Site Disturbance Permit

This Permit incorporates the application and other information submitted to, reviewed by and approved by MSD and located in the file for this Permit in its office at 700 West Liberty Street, Louisville, Kentucky 40203-0911

Project Name: WASTE MANAGEMENT OF KENTUCKY

Address: 2673 OUTER LOOP
LOUISVILLE, KY 40219-0000

Permit # 1016677

Permittee: MANAGEMENT OF KENTUCKY WASTE

Contracting Company: WASTE MANAGEMENT OF KENTUCKY, LLC

4-5-17

Effective Date:

Issued By:

A Site Disturbance Permit issued pursuant to 159.02 of the Louisville/Jefferson County Metro Government Code of Ordinances is valid only for the named permittee and it shall not be transferable. In the event that the named permittee ceases operations at the designated site, the permits shall expire. A new Permit must be applied for before construction activities can resume.

COPY

No: 699

FLOODPLAIN MANAGEMENT

**DEVELOPMENT
PERMIT**

This Development Permit incorporates the application and other information submitted to, reviewed and approved by MSD and located in the file for this Development Permit in its offices at 700 W. Liberty Street, Louisville, KY 40203-1911.

ISSUED TO: KEYVIN MIECZKOWSKI

DEVELOPMENT SITE ADDRESS: 2673 OUTER LOOP

ACTIVITY: SITE CONSTRUCTION

In Accordance with plans approved on (date): 5/17/04

ISSUED BY: **Louisville and Jefferson County
Metropolitan Sewer District**

SIGNATURE: D.L.W. Jhr

DATE: 5/17/04

DURING THE DEVELOPMENT ACTIVITY THIS PERMIT MUST BE POSTED ON THE PREMISES IN A CONSPICUOUS PLACE SO AS TO BE SEEN FROM THE STREET ON WHICH THE DEVELOPMENT ACTIVITY FACES.

Permit# _____

Subdivision/WMA# 1986

White - Site Copy , Yellow - Floodplain Permit Copy, Pink - File Copy



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

PERMIT

Facility: **Outer Loop Recycling and Disposal Facility**
2673 Outer Loop
Louisville, KY 40219

Permittee: **Waste Management of Kentucky LLC**
2673 Outer Loop
Louisville, KY 40219

Agency Interest: **Waste Management of KY LLC**
2673 Outer Loop
Louisville, KY 40219

The Division has issued the permit under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. This permitted activity or activities are subject to all conditions and operating limitations contained herein. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses or approvals required by this Division or other state and local agencies.

No deviation from the plans and specifications submitted with your application or any condition specified herein is allowed, unless authorized in writing from the Division. Violation of the terms and conditions specified herein may render this permit null and void. All rights of inspection by representatives of the Division are reserved. Conformance with all applicable Waste Management Regulations is the responsibility of the permittee.

Agency Interest ID #: 2257

Solid Waste Permit #: SW05600028

County: Jefferson

Permitted Activities:

Subject Item	Activity	Type	Status
ACTV003	Transfer Station Solid Waste-SW-RPBR/05600028	Activity Terminated	Terminated
ACTV005	Waste Tire Accumulator/05600028	Registration	Active
ACTV006	Transfer Station Solid Waste-SW-RPBR/05600028	Registered Permit-by-Rule	Active
ACTV011	Beneficial Reuse-Solid Waste-PBR/05600028	Permit-by-Rule	Active
ACTV012	Composting-Solid Waste-RPBR/05600028	Registered Permit-by-Rule	Active
ACTV017	Landfarm Class II-SW/05600028	Activity Terminated	Terminated
ACTV018	CDD Landfill >1 Acre/05600028	Activity Terminated	Converted
ACTV019	Contained Landfill/05600028	Construction/Operation	Active
ACTV020	Landfarm Class II-SW/05600028	Construction/Operation	Active
ACTV021	Residential Landfill/05600028	Closure Activities Only	Closed
ACTV025	Transfer Station Medical Waste-SW-	Registered Permit-by-Rule	Terminated

Permit Number: SW05600028

Agency Interest ID: 2257

PERMIT

	RPBR/05600028		
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Permit Number: SW05600028

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Acreage Summary:

Waste Disposal Area (in Acres):

Activity	Disposal Area
Contained Landfill	495.00
Residential Landfill	23.30
Total Disposal Area	518.30
Total Permitted Area	782.10

Cost Estimate Summary:

Coverage Type	Cost Estimate	Effective	Comments
Closure	\$30,845,035.71	04/20/2017	Approved in APE20160010
Corrective Action	\$5,672,084.27	04/20/2017	Approved in APE20160010
Post-Closure	\$14,261,105.00	04/20/2017	Approved in APE20160010

Financial Assurance Summary:

The owner or operator shall maintain the following financial assurance approved by the Division in compliance with KRS Chapter 224.40-650, KRS Chapter 224.50-862, 401 KAR 45:080, and 401 KAR 48:310:

Instrument Type	Instrument Number	Amount	Date Received	Comments
Surety Bond	301724	\$2,807,859.28	04/12/2017	
Surety Bond	850798	\$2,864,225.00	04/25/2016	
Certificate of Insurance	CPCS04-0011	\$45,106,140.72	04/12/2017	

First Operational Permit Effective Date: 09/25/1985 -- Residential Landfill

Permit Effective Date: 09/25/2015

Permit Expiration Date: 09/24/2020

Permit issued: 04/20/2017

Anita Young for

Danny Anderson, P.E.
Manager, Solid Waste Branch

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Permit Conditions:**Facility Information and/or Conditions**

The table on page 2 represents the planned site acreage when closure activities will be complete. Listed below is a more detailed explanation of activity status and approved waste disposal area.

Unit 1, Closed Residential - 23.3 acres - no overlap

The Contained acreage of 495 acres (Unit 8) entirely overlaps the following units:

Unit 2, Closed Residential - 25.4 acres

Unit 3, Closed Residential - 27.7 acres

Unit 4, Closed Residential converted to CD/D overlapped by Unit 8 - 94.6 acres

Unit 5, Active Contained - 78.0 acres

Unit 6, Closed Residential - 66.0 acres

Unit 7, Active Contained - 63.3 acres

The remaining Contained (Unit 8) acreage of 140 acres consists of land area around and between the prescribed units.

Subject Items**ACTV0003 - Transfer Station Solid Waste-SW-RPBR**

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 09-12-1994 - Medical Waste Transfer Station Registration (medical waste), TS4RG1
2. 02-13-1996 - Minor Modification #1, TS4MOMN1
3. 07-23-1996 - Minor Modification #2, TS4MOMN2
4. 05-20-2004 - Activity Terminated, APE20000002

ACTV0005 - Waste Tire Accumulator**Standard Requirements:**

1. General: The owner or operator shall comply with KRS Chapter 224 and 401 KAR Chapters 30, 40 and 47 for the operation of waste tire facilities. [KRS 224.50]
2. General: The owner or operator shall comply with KRS Chapter 224.50-852, 856, 858, 860, 864, 866, 874 and the approved registration. [KRS 224.50]

Variances, Alternate Specifications and Special Conditions:

1. General: The permittee shall operate this facility in accordance with the specifications of your registration and the conditions set forth in this approval letter. [401 KAR 47:120 Section 2]
2. General: The permittee shall transfer waste tires on to a disposal, recycling or incinerating facility permitted to accept waste tires. [401 KAR 47:120 Section 2]
3. General: The permittee shall implement a record keeping system in accordance with KRS 224.50-874 which

PERMIT

includes providing a receipt to the person transferring waste tires to you. The receipt shall state the company name and address, the name and signature of the recipient, the number of waste tires or passenger tire equivalents accepted, the name and address of the person transferring the waste tires, and the date of transfer. You shall keep copies of all receipts for three years. You shall have records including receipts available for inspection upon request by the Cabinet. [KRS 224.50-860(10)]

4. General: The permittee shall store tires in a manner that allows fire-fighting equipment access to the waste tires and establish fire breaks to prevent the spread of fire. [KRS 224.50-860(3)]

5. General: The permittee shall prevent mosquito infestations and entrapment of water in waste tires. [KRS 224.50-860(5)]

6. General: The permittee shall store any tires outdoors in closed containers, adjacent covered areas, or under roof in windrows no greater than twenty-five (25) feet wide, ten (10) feet high, seventy-five (75) feet long, and with at least fifty (50) feet of open unoccupied ground between windrows. [KRS 224.50-860(6)]

7. General: The permittee shall comply with the environmental performance standards of 401 KAR 30:031 and the provisions of KRS 224.50-850 through 224.50-880. [401 KAR 30:031, KRS 224.50-850]

8. General: The permittee shall not exceed 10,000 passenger tire equivalents accumulated at any time, unless the amount of your bond is increased, a revised registration has been submitted to the Cabinet, and you have received written authorization from the Cabinet for the increased capacity. [KRS 224.50-862]

9. Operation: This facility shall only accept waste from the Authorized Source Counties listed for the Contained Landfill. [401 KAR 47:120 Section 2]

10. General: The permittee shall conduct closure of this registration by: a) Notifying your customers and the Cabinet with a schedule of when waste tires will no longer be accepted; b) Removing all waste tires in accordance with the schedule; c) Conducting any corrective action required by KRS 224.50-866; d) Certifying to the Cabinet that all waste tires have been removed, no additional waste tires will be accepted, and any required corrective action has been completed; and e) Contacting the Division of Waste Management, at (502) 564-6716, to request a closure inspection for release of your bond. [KRS 224.50-864]

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 02-27-1998 - Waste Tire Transfer Station Facility, TF11RG1
2. 05-16-2000 - Registration of Waste Tire Accumulator, TA13RG1 - This terminated the Waste Tire Transfer Station Facility activity.

ACTV0006 - Transfer Station Solid Waste-SW-RPBR

Variances, Alternate Specifications and Special Conditions:

1. The permittee shall operate the transfer station in accordance with the specifications of the registration submitted on July 10, 1997, and the conditions set forth by this permit. [401 KAR 47:120 Section 2]
2. The permittee shall transfer all waste collected at this facility to a permitted recycling or disposal facility. As

PERMIT

specified in your registration, you will be utilizing Lighting Resources, Inc. in Indiana. Any disposal facility used in this state must have the original sources of the waste (counties) listed on their permit. [401 KAR 47:120 Section 2]

3. The permittee shall submit a revised registration to this office prior to any change in the registration including, but not limited to, the design of the transfer station, the owners and operators of the transfer station, and the wastes accepted at the transfer station. [401 KAR 47:110 Section 3]

4. The permittee shall comply with the requirements of 401 KAR 47:110 & 47:030. [401 KAR 47:080 Section 2(6)(c)]

5. The permittee shall maintain accurate records of the amount of waste received at the transfer station. The records shall be retained on site for a period of three years, and be available for inspection at the facility. [401 KAR 45:110 Section 2(3)(d)]

6. This facility shall only accept waste from the Authorized Source Counties listed for the Contained Landfill. [401 KAR 47:120 Section 2]

7. General: The owner or operator shall submit the \$500 annual permit renewal fee by March 31 of each year. The check or money order shall be made payable to the Kentucky State Treasurer and accompanied by form DEP 7119. [401 KAR 47:090 Section 5]

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 02-27-1998 - Registration (fluorescent tubes), TS10RG1

ACTV0011 - Beneficial Reuse-Solid Waste-PBR

Variances, Alternate Specifications and Special Conditions:

1. The owner or operator shall beneficially reuse solid waste in compliance with the environmental performance standards of 401 KAR 47:030. [401 KAR 47:150 Section 1(11)]

2. The permittee shall comply with the description of beneficial reuses of wood chips, tires, and CDD debris contained in the April 2, 1996 application and additional information submitted October 8, 1996. [401 KAR 47:120 Section 2]

3. The permittee shall ensure the long axis of wood chip piles runs up and down slope to minimize ponding and leaching. [401 KAR 47:120 Section 2]

4. The permittee shall ensure CDD waste beneficial reuse complies with the Army Corps wetlands permit (Department of the Army permit #199000705), including the letter of authorization from the Department of the Army to Waste Management of Kentucky dated September 18, 1996. [401 KAR 47:120 Section 2]

5. The permittee shall ensure CDD waste used for roadbase material consists primarily of concrete, rock, brick, asphalt and other inert materials, and does not contain asbestos, non-inert materials (except incidental amounts of wood - less than 2% of each load), or non-CDD waste. [401 KAR 47:120 Section 2]

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6. The permittee shall ensure wood chips of various characteristics, e.g. fresh versus weathered, significantly different particle size or moisture content, etc., are kept segregated, or thoroughly blended into the piles to which they are added, or added in less than 18 inch lifts with twenty-one days between lifts, to minimize the possibility of spontaneous combustion. [401 KAR 47:120 Section 2]

7. The permittee shall ensure wood chip stockpiles are formed in elongated rows not more than fifteen feet in height, with piles spaced at least 15 feet apart, to expedite access and control in the event of fire. [401 KAR 47:120 Section 2]

8. The permittee shall ensure chipped tires are used only within active unloading areas of the CDD and contained landfills, beyond all weather access roads and truck turn-around, to provide better traction for customer vehicles. Tire chips shall not exceed 3 inches in any dimension. [401 KAR 47:120 Section 2]

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 08-20-1996 - Beneficial Reuse, BR7BR1
2. 02-03-1997 - Beneficial Reuse, BR7MOMN1 - CDD woodchips & Tires
3. 11-22-1999 - Beneficial Reuse - tire chips for toe drain

ACTV0012 - Composting-Solid Waste-RPBR

Variations, Alternate Specifications and Special Conditions:

1. The permittee shall be required to turn piles only to the extent necessary to maintain biological activity and minimize fire hazards, unless otherwise required. [401 KAR 47:120 Section 2]

2. The permittee shall not stockpile waste that fails a paint filter test. [401 KAR 47:120 Section 2]

3. The permittee shall not accept waste that does not comply with the Jefferson County Waste Management Plan. [401 KAR 47:120 Section 2]

4. The permittee shall obtain a minimum of one representative composite sample for every 1000 cubic yards of completed compost when formed from waste mixtures which include animal waste or bedding or agricultural waste or any combination of these wastes which exceeds 15% of the total compost volume. One representative composite sample per year shall be required for all other compost products. Analysis of the finished products shall be in accordance with 401 KAR 48:200 Section 3(5)(c), except polychlorinated biphenyl's (PCB) analysis shall not be required unless specifically requested in writing by the Cabinet. [401 KAR 47:120 Section 2]

5. The permittee shall assure any mixture, which includes animal waste or bedding, post-consumer food waste, or agricultural waste greater than 15% volume is composted to PSRP (Process to Significantly Reduce Pathogens) level. The permittee shall keep, and have available for inspection, daily time and temperature logs indicating PSRP level treatment, as described in 401 KAR 48:200 Section 11(4). In addition, compost containing any animal waste or bedding from the Louisville Zoo shall adhere to the following conditions: a) The permittee shall immediately cease accepting waste from diseased animals, and notify the Division, if a disease potentially contagious to humans is detected in the participating zoo animal population. The permittee shall follow-up within five days by written notification that includes a discussion of the most probable time

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frame in which material potentially affected was delivered to the compost facility, exposure pathways (direct and vector transmitted), and disease symptoms, and will provide a contact person's name and telephone number for additional information. b) The permittee shall maintain records sufficient to allow identification and isolation of all potentially disease transmitting mixtures in all stages of the composting process. In the event a disease contagious to humans is determined to be present in the zoo waste, the permittee shall isolate affected compost mixtures as necessary to substantially reduce or eliminate exposure to humans or other sensitive populations. c) The permittee shall distribute or use any material isolated under the above condition b., only after receiving written approval from this Division, following a determination that no health hazard remains related to any transmittable disease present in zoo waste. d) The permittee shall employ the windrow composting standards of a PFRP for all compost mixtures which include greater than 15 percent by volume zoo waste. [401 KAR 47:120 Section 2]

6. Certification: The operator of the compost facility must obtain the proper certification from the Cabinet and comply with the applicable requirements of 401 KAR 47:070. [401 KAR 47:070 Section 2(2)]

7. Operation: This facility shall only accept waste from the Authorized Source Counties listed for the Contained Landfill. [401 KAR 47:120 Section 2]

8. General: The owner or operator shall submit the \$250 annual permit renewal fee for this activity by December 31 of each year. The check or money order shall be made payable to the Kentucky State Treasurer and accompanied by form DEP 7119. [401 KAR 47:090 Section 5]

9. Permit Modification: The registration for a registered permit-by-rule facility shall be submitted to the Cabinet on DEP 7059-A; Solid Waste Composting Facility. [401 KAR 47:110 Section 1(2)(b)]

10. Permit Modification: Owners and operators of registered permit-by-rule solid waste composting facilities shall register on a form prescribed by the Cabinet. [401 KAR 48:200 Section 15(2)]

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 02-03-1992 - Minor Modification #1
2. 03-04-1994 - Minor Modification #2, CO3MOMN2
3. 02-13-1996 - Minor Modification #3, CO3MOMN3
4. 06-10-1996 - Minor Modification #4, CO3MOMN4
5. 02-03-1997 - Minor Modification #5, CO3MOMN5

ACTV0017 - Landfarm Class II-SW

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 05-20-2004 - Explosive Remediation/Landfarming Class II Activity Terminated, APE20000002

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ACTV0018 - CDD Landfill >1 Acre

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 06-30-1995 - Minor Modification #1, CD6MOMN1
2. 04-05-1996 - Minor Modification #2, CD6MOMN2
3. 02-27-1998 - Minor Modification, RC12RG1
4. 05-20-2004 - Horizontal Expansion of Contained Landfill Covers CDD Landfill - APE20000002

ACTV0019 - Contained Landfill**Standard Requirements:**

1. General: The owner or operator of a solid waste site or facility shall comply with KRS Chapter 224 and 401 KAR Chapters 30, 40, 47 and 48 for the construction and operation of solid waste facilities. [KRS 224.40-305]
2. Permit Renewal: The owner or operator of a solid waste facility shall submit a permit application for renewal at least 180 days prior to permit expiration unless permission for a later date has been granted in writing by the Cabinet. [401 KAR 47:160 Section 5(2)]
3. General: For construction and operation of the contained landfill, the owner or operator shall comply with KRS Chapter 224.40-310, 401 KAR 48:090, and the approved permit applications. [KRS 224.43-310]
4. General: The owner or operator may only accept waste at the contained landfill from the sources which are approved per 401 KAR 47:080, Section 2(1) and 47:170, Section 2(11). [401 KAR 47:170 Section 2(11)]
5. Recordkeeping: The owner or operator shall submit a report quarterly, by the 15th of January, April, July, and October, containing the monthly volume of waste received from each source. [401 KAR 47:190 Section 8(1)(b)]
6. Recordkeeping: The owner or operator shall submit a report quarterly, by the 15th of January, April, July, and October, containing the description of compliance with cover requirements. [401 KAR 47:190 Section 8(1)(c)]
7. Recordkeeping: The owner or operator shall submit a report quarterly, by the 15th of January, April, July, and October, containing the environmental monitoring results including methane. The owner or operator shall submit groundwater monitoring data within sixty (60) days of sampling or fifteen (15) days after completing the statistical analysis in accordance with 401 KAR 48:300, Section 7. [401 KAR 47:190 Section 8(1)(d)]
8. Recordkeeping: The owner or operator shall submit a report quarterly, by the 15th of January, April, July, and October, describing the quantity and concentration of leachate removed from the site, where disposed, and the method of disposal. The concentration shall be determined using appropriate parameters from Section 10(3) of 401 KAR 48:300 for contained landfills. [401 KAR 47:190 Section 8(1)(e)]
9. Recordkeeping: The owner or operator shall submit a report quarterly, by the 15th of January, April, July, and October, detailing 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

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contained landfill. [401 KAR 47:190 Section 8(5)]

10. Recordkeeping: The owner or operator shall remit to the Kentucky Pride Fund an environmental remediation fee equivalent to one (1) dollar and seventy-five (75) cents per ton of waste disposed at the facility. [401 KAR 47:095 Section 1(1)]

11. Recordkeeping: The owner or operator of the facility shall remit quarterly payments of the environmental remediation fee, accompanied by a completed and signed document entitled "Environmental Remediation Fee Reporting and Submittal Form" (DEP form 5032). [401 KAR 47:095 Section 1(3)]

12. Recordkeeping: Quarterly payments shall be equivalent to one (1) dollar and seventy-five (75) cents multiplied times the number of tons of waste disposed in the municipal solid waste disposal facility during that quarter. Quarterly payments shall be due on April 30, July 31, October 31, and January 30 of each year. [401 KAR 47:095 Section 1(4)]

Variances, Alternate Specifications and Special Conditions:

1. Cover: Excavated material from the Museum Plaza project site to be used as Alternate Daily Cover shall be properly segregated per the procedure outlined in the approved application received June 25, 2007. This soil material is approved for use as Alternate Daily Cover on interior slopes only and shall be stored in a suitable manner to assure any runoff from the stored material is captured in the existing leachate collection system. [401 KAR 48:090 Section 3(1)]

2. Operation: The owner or operator shall comply with the conditions and procedures described in the Research Development and Demonstration applications when continuing the Bioreactor operations. These applications include Minor Modification #11 approved on 10-15-2001 and application # APE20050002 approved on 05-11-05. [401 KAR 47:120 Section 2]

3. Construction: In the leachate collection system drainage layer, the sheet flow drainage distances to the lateral drainage pipes may exceed fifty (50) feet. The drainage layer shall be designed to maintain less than one (1) foot of hydraulic head on the liner. Additional details may be found in Attachment 16 and Drawings 5 through 12 of the Technical Application in the APE20000002 approved application. [401 KAR 48:080 Section 6(4)(b), 401 KAR 48:080 Section 11]

4. Construction: In lieu of the required sand gas venting layer and associated filter fabric, an active gas extraction system is approved. Additional details may be found in Attachments 12 and 26 of the Technical Application in the APE20000002 approved application. [401 KAR 48:080 Section 8, 401 KAR 48:080 Section 11]

5. Closure: In the final cap system, a double-sided geocomposite drainage layer that is equivalent or superior in performance to a one (1) foot thick soil drainage layer with a hydraulic conductivity greater than or equal to 1×10^{-3} cm/s is approved to replace the twelve (12) inch drainage layer. Additional details may be found in Attachments 22, 26, and Drawing 58 of the Technical Application in the APE20000002 approved application. [401 KAR 48:080 Section 8(5), 401 KAR 48:080 Section 11]

6. Cover: To promote the vertical passage of methane gas and to promote the distribution and collection of leachate, the removal of the six (6) inch interim cover and six (6) inch daily cover is permitted just prior to placement of waste in an area with interim cover. Additional details may be found in Attachment 20 of the

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Technical Application in the APE20000002 approved application. [401 KAR 48:090 Section 3(2)(b), 401 KAR 48:090 Section 15]

7. Cover: To promote the vertical passage of methane gas and to promote the distribution and collection of leachate, the removal of the eighteen (18) inch long-term cover, six (6) inch interim cover, and six (6) inch daily cover is permitted just prior to placement of waste in an area with long-term cover. Additional details may be found in Attachment 20 of the Technical Application in the APE20000002 approved application. [401 KAR 48:090 Section 3(3)(b), 401 KAR 48:090 Section 15]

8. General: If the survey control system and the information presented in plan views provide an amount of information greater than or equal to that required by 401 KAR 47:190 Section 6(1)(d), the owner or operator shall not be required to submit as-built cross-sections of constructed landfill features as part of the construction quality control plan. Additional details may be found in Attachment 22 of the Technical Application in the APE20000002 approved application. [401 KAR 47:190 Section 6(1)(d), 401 KAR 47:190 Section 9]

9. General: If the information presented in plan views provide an amount of information greater than or equal to that required by 401 KAR 48:080 Section 3(3)(d), the owner or operator shall not be required to submit as-built cross-sections to show the finished elevation of the completed subgrade. Additional details may be found in Attachment 22 of the Technical Application in the APE20000002 approved application. [401 KAR 48:080 Section 3(3)(d), 401 KAR 48:080 Section 11]

10. Recordkeeping: For leachate that is pretreated and discharged to Louisville/Jefferson County Metropolitan Sewer District (MSD), the owner or operator shall provide the analytical results of the concentration of constituents in the leachate as required by the MSD Industrial Discharge Permit rather than performing the analytical testing described in 401 KAR 47:190, Section 8(1)(e). The owner or operator shall also provide analytical results of any influent tests on the leachate that are periodically performed by site operations personnel in conjunction with the on-site treatment plant. Additional details may be found in Attachment 23 of the Technical Application in the APE20000002 approved application. [401 KAR 47:190 Section 8(1)(e), 401 KAR 47:190 Section 9]

11. Recordkeeping: In lieu of the required cross-sections in the annual survey, the applicant shall submit an existing conditions topographical map, a proposed final top of waste grading plan map, and an isopach map of cut/fill contours between the existing conditions grades and final waste grades as determined by CADD. Additional details may be found in Attachment 23 of the Technical Application in the APE20000002 approved application. [401 KAR 47:190 Section 8(2)(b)1, 401 KAR 47:190 Section 9]

12. Recordkeeping: Waste disposal records that are submitted in the quarterly reports are not required as part of the annual report or as part of the permit renewal application. These records shall continue to be available for Cabinet review upon request. Additional details may be found in Attachment 23 of the Technical Application in the APE20000002 approved application. [401 KAR 47:190 Section 8(5), 401 KAR 47:190 Section 9]

13. General: Two portions of the landfill, prior to the APE20000002 expansion application approved in 2004, are permitted to place waste with only a 100-ft buffer zone from a property line. All other waste disposal areas shall have a 250-ft buffer. Additional details may be found in Section ES3.2 of the Executive Summary and Drawing 2 of the Technical Application in the APE20000002 approved application. [401 KAR 48:050 Section 1(4), 401 KAR 47:120 Section 2]

14. General: A buffer zone of 25-ft is approved as a variance to the required 50 ft gas line buffer zone for the

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planned location of a gas line that will be relocated during expansion activities. Additional details may be found in Section ES3.2 of the Executive Summary and Drawing 3 and Detail No. 11 on Drawing 59 of the Technical Application in the APE20000002 approved application. [401 KAR 48:050 Section 1(6), 401 KAR 47:120 Section 2]

15. General: The permittee has received a variance to the airport location siting criteria described in 401 KAR 48:050 Section 4. The Kentucky Airport Zoning Commission correspondence dated May 19, 2003 and Federal Aviation Administration correspondence dated November 20, 2002 provide additional details and may be found in the Administrative Application in the APE20000002 approved application. [401 KAR 48:050 Section 4, 401 KAR 47:120 Section 2]

16. General: The permittee has received a variance to the flood plain siting criteria described in 401 KAR 48:050 Section 3. Additional details may be found in Section ES3.4 of the Executive Summary and Attachment 3 of the Technical Application in the APE20000002 approved application. [401 KAR 48:050 Section 3, 401 KAR 47:120 Section 2]

17. Operation: The owner or operator shall operate all phases of Unit 8 as a bioreactor landfill in accordance with the approved plans and application under APE20090002. [401 KAR 47:120 Section 2]

18. General: The owner or operator shall submit the \$7,500 annual permit renewal fee for this activity by December 31 of each year. The check or money order shall be made payable to the Kentucky State Treasurer and accompanied by form DEP 7119. [401 KAR 47:090 Section 5]

19. Cover: Approved alternate daily cover materials include tarpaulin or geotextile cover, bioremediated soils, composted (untreated) wood chips or similar compost materials, autoshreder residue (interior slopes only), stabilized sewage sludge/natural clay mixture and excavated soil materials from the Louisville Museum Plaza project site. These ADC materials shall be used in accordance with the approved plans. [401 KAR 48:090 Section 3(1)]

20. Operation: The owner or operator shall have sufficient equipment that satisfies 401 KAR 48:070, Section 6 and in accordance with approved plans. [401 KAR 48:070 Section 6]

21. Wastestreams: The owner or operator shall not accept listed or characteristic hazardous waste (excluding household hazardous waste and those from Conditionally Exempt Small Quantity Generators), nuclear waste, untreated medical waste, wastes or wastewaters from hydraulic fracturing operations, Naturally Occurring Radioactive Material, and any other waste prohibited by State or Federal Regulation. [401 KAR 47:120 Section 2]

22. Operation: Unit 5 UD-1A Underdrain shall not be abandoned until the Unit 8 Phase III C Underdrain is fully operational. [401 KAR 47:120 Section 2]

23. Operation: The permittee shall pump the underdrain system as necessary to maintain at least four (4) feet of separation between the groundwater table and the 60 mil HPDE portion of the landfill liner. Additional details may be found in Section ES3.3 of the Executive Summary and Attachment 25 of the Technical Application in the APE20000002 approved application and the APE20160003 approved application. [401 KAR 47:120 Section 2, 401 KAR 48:050 Section 2(1)]

24. Financial Assurance: The maximum extent of operation includes the area of the landfill identified by an

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operating permit and for which the final cover Construction Progress Report has not yet been approved by the Cabinet. The current maximum extent of operation for this activity is less than or equal to 268.2 acres. [401 KAR 48:070 Section 15(2)(b)]

25. Cover: The owner or operator may use soil for daily cover. Soil or any approved alternate cover must be applied in accordance with 401 KAR 48:090 Section 3 at the end of each operating day. [401 KAR 48:090 Section 3(1)]

26. Cover: The owner or operator may use tarpaulin or geotextile cover as alternate daily cover (ADC). The fabric must be maintained in relatively untorn and good condition and the edges must be covered with dirt, sandbags or other suitable material (whole tires are not allowed) to hold down the fabric against the wind and to prevent vector attraction. The owner or operator must eliminate boards, pipes and similar tear hazards before covering the solid waste with the fabric and must use the ADC in accordance with the approved applications. [401 KAR 48:090 Section 3(1)]. [401 KAR 48:090 Section 3(1), 401 KAR 47:120 Section 2]

27. Cover: The owner or operator may use select waste (auto fluff) as alternate daily cover (ADC) in accordance with the APE20030001 approved permit application. This material may be used only on interior slopes (i.e. those draining to the leachate collection system). The owner or operator shall use a minimum thickness of six (6) and a maximum of twelve (12) inches for ADC. In addition, the owner or operator shall use best management practices to prevent erosion of the material and shall control any runoff containing sediment from the ADC material. [401 KAR 48:090 Section 3(1)(a)]

28. Construction: The filter fabric layer described in 401 KAR 48:080 Section 2(3)(d) and Section 6(5) is not required. This alternate specification was approved on August 1, 1997 in Minor Modification No. LC2MOMN5. Additional details may be found in the Response to Notice of Deficiency 1 dated March 29, 2004, Drawing 58, and Attachments 21 and 22 of the Technical Application in the APE20000002 approved application. [401 KAR 48:080 Section 2(3)(d), 401 KAR 48:080 Section 6(5), 401 KAR 48:080 Section 11]

29. Wastestreams: The owner or operator of a contained landfill shall only dispose of wastes that do not contain free liquids as determined by the Cabinet. Otherwise, the permittee may add liquids in the Contained Landfill in conjunction with the approved Bioreactor project or through leachate recirculation as set forth in the approved Technical Application. [401 KAR 48:090 Section 8(1)(b)]

30. Working Face: The owner or operator shall not exceed the lift height of 12 feet that is specified in the permit application. [401 KAR 48:090 Section 9(2)]

31. Working Face: The owner or operator shall protect the liner system with a layer of select waste, tire chips or similar blanket placed between operating equipment and the liner. [401 KAR 48:090 Section 9(3)]

32. Recordkeeping: The owner or operator shall conduct an annual survey to determine the remaining landfill volume which may be used for waste disposal. The quantity of waste disposed per day shall be determined by dividing the total waste received in one (1) year by 365 calendar days. This survey shall bear the seal and signature of the registered professional land surveyor or professional engineer who performed the survey. The owner or operator shall submit the annual survey to the Cabinet by July 31 of each year. The annual survey shall contain the following information: Cross-sections on 100 foot intervals showing current waste placement and proposed final contours and remaining capacity in cubic yards. [401 KAR 47:190 Section 8(2)]

33. Closure: When a phase is completed to its final grade but active landfilling continues in other phases and if

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long-term cover is applied, the owner or operator is not required to comply with 401 KAR 48:090, Section 3(4)(a). The owner or operator may remove long-term cover to place additional waste to achieve design grades. Additional details may be found in Attachment 27 of the Technical Application in the APE20000002 approved application. [401 KAR 48:090 Section 3(4)(a), 401 KAR 48:090 Section 15]

34. Closure: Based on the large acreage of final cap, closure activities referenced in 401 KAR 48:070 Section 15(4) for Unit 8 shall be completed within 270 days of final receipt of waste. Additional details may be found in Attachment 27 of the Technical Application in the APE20000002 approved application. [401 KAR 48:070 Section 15(4)]

35. Operation: Waste, waste residues, or contaminated soils may be removed from the site without pre-approval if the Division is notified in writing and given a description of the removal activities beforehand. These waste materials must be properly disposed in a permitted waste disposal facility and in accordance with all applicable regulations. Additional details may be found in Attachment 28 of the Technical Application in the APE20000002 approved application. [401 KAR 48:090 Section 13(2)(c), 401 KAR 48:090 Section 15]

County Sources - The owner or operator may accept waste as authorized by the Cabinet pursuant to KRS 224 and/or 401 KAR Chapter 47 from all of the counties from the following states:

Illinois	Connecticut	Massachusetts
Kansas	Maryland	Michigan
Louisiana	Vermont	New Hampshire
Ohio	Wisconsin	Oklahoma
Pennsylvania	West Virginia	Texas
Indiana	Delaware	Georgia
Minnesota	Nebraska	Maine
Missouri	South Carolina	Mississippi
Rhode Island	South Dakota	Virginia
North Carolina	Florida	Alabama
New Jersey	North Dakota	Colorado
New York	Tennessee	Iowa
Kentucky	Arkansas	

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

- 03-29-1995 - Construction Permit Issued
- 06-21-1995 - Construction/Operational Permit Issued
- 06-30-1995 - Major Modification #1, LC2MOMJ1 - Underdrain System (Cells 1B, 2A, 2B)
- 09-12-1995 - Authorization to Construct/Operate Cell 1B
- 09-25-1995 - Authorization to Continue Operation
- 02-13-1996 - Permit Renewal #1, LC2PR1
- 02-13-1996 - Authorization to Construct/Operate Cells 2A & 2B
- 08-01-1996 - Horizontal Expansion #1, LC2MOHX1 - Draft Permit Issued
- 09-10-1996 - Construction of Unit (Area) 7, LC2MOHX1
- 02-03-1997 - Minor Modification #1, LC2MOMN1 - Solidification
- 02-03-1997 - Groundwater Monitoring Plan Modification #1, LC2MOGW1
- 05-12-1997 - Groundwater Assessment Plan #1, LC2MOGR1
- 08-01-1997 - Add/Delete Source #1
- 08-01-1997 - Minor Modification #3

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15. 08-01-1997 - Minor Modification #5
16. 11-03-1997 - Trial as ADC, Woven Geotextile
17. 02-27-1998 - Add/Delete Source #2, LC2MOAD2 - Additional Waste Sources
18. 02-27-1998 - Minor Modification #4, LC2MOMN4 - Daily/Cell Recordkeeping
19. 07-27-1998 - Groundwater Assessment Report, LC2GWR
20. 08-21-1998 - As-builts (Area 7, Phase 2B East)
21. 10-13-1998 - Minor Modification #7, Relocation of Slope Ditch
22. 11-06-1998 - As-builts (Area 7, Cells 3A & 3B)
23. 07-09-1999 - Minor Modification #6, LC2MOMN6
24. 07-09-1999 - Minor Modification #8, LC2MOMN8
25. 09-01-1999 - As-builts (Unit 7, Cell 1A West)
26. 10-19-1999 - As-builts (Unit 7, Cell 1B West)
27. 11-10-1999 - Groundwater Monitoring Plan Modification #2, LC2MOGW2
28. 11-10-1999 - Corrective Action Plan #1 for GS-111, LC2MOCA1
29. 11-22-1999 - As-builts (Unit 7, Phase 2A & 2B)
30. 08-25-2000 - Permit Renewal #2
31. 03-01-2001 - Groundwater Assessment Plan #2 (Facility Wide), LC2MOGR2
32. 03-30-2001 - As built (Unit 7, Cell 4A)
33. 10-15-2001 - Minor Modification #11 - Bioreactor Operational Plan
34. 10-15-2001 - As-builts (Unit 7-4B)
35. 05-20-2004 - Minor Modification #12, APE20000003 - Temporary Additional Entrance
36. 05-20-2004 - Minor Modification #13, APE20002001 - Addition of Equalization Tanks
37. 05-20-2004 - Minor Modification #14, APE20003001 - ADCs & MSD Biosolids Demonstration Project
38. 05-20-2004 - Horizontal Expansion #2 and Corrective Action Plan, APE20000002
39. 12-20-2004 - Construction Progress Report, APE20020002 - Unit 7 Cell 4B Repair
40. 01-28-2005 - Landfill Gas Remediation Plan, APE20050001
41. 04-27-2005 - Construction Progress Report, APE20050003 - Unit 8, Phase 1A (9.4 acre cell)
42. 05-11-2005 - Minor Modification, APE20050002 - Proposed Bioreactor Operation (Unit 8, Phase 1)
43. 07-21-2005 - Permit Renewal, APE 20050004
44. 09-15-2005 - Landfill Gas Remediation Plan Amended, APE20050001
45. 10-25-2006 - Construction Progress Report, APE20060004 - Unit 8, Phase 1B (6.8 acre cell)
46. 11-06-2007 - Construction Progress Report, APE20070006 - Unit 8, Phase 1C (18.1 acre cell)
47. 11-19-2007 - Transfer permit conditions from RD&D activity to Contained Landfill activity, APE20050002
48. 11-28-2007 - Minor Modification, APE20070002 - soil from Museum Plaza as ADC
49. 05-27-2008 - Minor Modification, APE20070002 - Revised Permit Issued
50. 09-16-2008 - Minor Modification, APE20080004 - PS-8 pipe penetration into the base liner system
51. 12-30-2008 - Construction Progress Report, APE20080006 - Unit 8, Phase 2A (20.61 acre cell)
52. 02-26-2009 - Minor Modification, APE20080008 - Operation Procedure Alternate Specifications
53. 07-21-2009 - Minor Modification, APE20090002 - Bioreactor Operation, Unit 8, Phases 2-8
54. 09-02-2010 - Permit Renewal - APE20100001
55. 11-05-2010 - Construction Progress Report, APE20100003 - Unit 8, Phase 2A Extension (3.7 acre cell)
56. 12-15-2010 - Construction Progress Report, APE20100004 - Unit 8, Phase 2B (13.2 acre cell)
57. 01-09-2013 - Construction Progress Report, APE20120006 - Unit 8, Phase 2C (6.6 acre cell)
58. 08-28-2014 - Construction Progress Report, APE20140005 - Unit 8, Phase 2D (6.6 acre cell)
59. 09-11-2014 - Minor Modification, APE20140006 - Equipment List
60. 01-09-2015 - Construction Progress Report, APE20140009 - Unit 8, Phase 1D (14.9 acre cell)
61. 07-24-2015 - Construction Progress Report, APE20150004 - Monitoring Well Abandonment

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62. 07-24-2015 - Permit Renewal - APE20150002
63. 01-20-2016 - Construction Progress Report, APE20160001 - Unit 8, Phase 3A (17.2 acre cell)
64. 04-28-2016 - Minor Modification, APE20160003 - Improvements to Underdrain System
65. 12-14-2016 - Construction Progress Report, APE20160011 - Unit 8, Phase 3A Extension (2.09 acre cell) and 3B (7.88 acre cell)
66. 04-20-2017 - Minor Modification, APE20160009 - Underdrain revision - Unit 8, Phase IIIC
67. 04-20-2017 - Minor Modification, APE20160010 - Utility Relocation - Unit 8, Phase V through VII

ACTV0020 - Landfarm Class II-SW**Variances, Alternate Specifications and Special Conditions:**

1. The permittee shall operate in accordance with the application received by the Solid Waste Branch on July 10, 1996, and the following conditions. [401 KAR 47:120 Section 2]
2. The permittee may accept materials containing biodegradable organic contaminants other than petroleum as defined by 401 KAR 47:005, including ethylene glycol and styrene, but may not accept Resource Conservation and Recovery Act (RCRA) hazardous waste. [401 KAR 47:120 Section 2]
3. The permittee shall ensure pipeline soils include mercury and PCBs analyses for characterization. Pipeline soils shall only be used for daily cover, disposed as solid waste, or returned to the pipeline. If total mercury exceeds 4.0 mg/kg (as received), a TCLP analysis shall be required. For return to a pipeline, soils shall comply with standards established by the state or federal regulatory agency with oversight authority for the pipeline remedial plan. [401 KAR 47:120 Section 2]
4. The permittee shall ensure soils containing polychlorinated biphenyl's (PCBs) in concentrations equal to or greater than one (1.0) mg/kg (dry weight), but not exceeding 49.0 mg/kg (dry weight), are disposed of as solid waste or used as daily cover, and not returned to clients, used for road base, final or interim cover, or other uses which would allow soils with PCB concentrations equal to or greater than one (1.0) mg/kg to remain exposed. Soils with PCB concentrations greater than one (1.0) mg/kg (dry weight) shall be returned to clients only if the ultimate use or disposal is in compliance with remedial plans established by the regulatory agency with oversight authority for the receiving facility or site. [401 KAR 47:120 Section 2]
5. The permittee shall not allow bioremediation activities conducted on covered areas of Hill 4 and Area 5 to cause uneven subsidence or otherwise impair the integrity of the low permeability clay liner or gas venting system, or interfere with surface water drainage. [401 KAR 47:120 Section 2]
6. The permittee shall landfill incoming contaminated materials in a designated area of the permitted contained fill area, for salvage at a later date, only as a last resort due to unusually large remedial operations, and when the volume of material exceeds available treatment or stockpile areas. The permittee shall notify the Solid Waste Branch whenever landfilling for salvage will occur, including written notification with a map indicating the fill area to be used and an estimated total volume. [401 KAR 47:120 Section 2]
7. The permittee shall not be required to comply with the landfarming buffer zone distances specified in 401 KAR 48:200, for activities conducted, or for final placement of remediated materials, where groundwater protection and surface water controls exist as part of the landfill design or have been implemented for incoming material stockpiles or active treatment units. [401 KAR 47:120 Section 2]

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8. The permittee shall submit bioremediation quarterly and annual reports bound separately from reports submitted to the Division for other activities at the Outer Loop Recycling and Disposal Facility. Reports shall include volumes of materials received at the bioremediation facility, and volumes remediated, used for daily cover, disposed as solid waste, used for other on-site purposes, distributed for off-site use, or disposed as hazardous waste. Information submitted to the Division shall be summarized on a monthly basis. Daily activity logs shall be available at the facility for inspection by Cabinet personnel. Records shall be maintained on-site for a period of five years from the date the material was received for treatment. [401 KAR 47:120 Section 2]
9. The Cabinet waives the certified landfarming operator requirement of 401 KAR 48:200 and 401 KAR 47:070, Section 4. [401 KAR 47:120 Section 2]
10. The permittee shall cover stockpiled bulk incoming materials to be remediated with plastic sheeting as operationally feasible. Stockpiled incoming materials shall be underlain by plastic sheeting except when placed on the clay base of the bioremediation facility. The permittee shall berm stockpile areas to control run-on and run-off. [401 KAR 47:120 Section 2]
11. Operation: This facility shall only accept waste from the Authorized Source Counties listed for the Contained Landfill. [401 KAR 47:120 Section 2]
12. The permittee shall ensure, for remediated petroleum contaminated materials which will ultimately remain exposed, (e.g., used as final cover), the pollutant concentration limits of 401 KAR 42:080 Soil Table C are not exceeded. Treated material exceeding the Soil Table C limits may be used as subgrade fill on and off-site when managed in compliance with the disposal options for excavated material specified in 401 KAR 42:080. [401 KAR 47:120 Section 2]
13. The permittee shall meet a remedial goal of one order of magnitude higher than the levels established in the Human Health Generic Screening Table for bioremediable contaminants other than petroleum, or an order of magnitude above the Soil Table C limits for petroleum contaminants, when remediated material is used for daily cover or other restricted uses (i.e., the material will ultimately be covered) as described in the permit modification application submitted July 10, 1996, except for benzene, for which the allowable limit is 1.0 ppm. The concentration limit for total lead in treated materials used for daily cover or other restricted uses is 400 mg/kg (dry weight), unless a Toxicity Characteristic Leaching Procedure (TCLP) analysis demonstrates the material is not a hazardous waste. [401 KAR 47:120 Section 2, 401 KAR 48:090 Section 3(1)(a)]
14. The permittee shall be responsible for meeting any revised remedial limits for constituents of concern, as found in the periodical updates of risk-based limits issued as Regional Screening Levels by U. S. EPA Region 3, pursuant to KRS 224.01-530. [401 KAR 47:120 Section 2]
15. General: The owner or operator shall submit the \$500 annual permit renewal fee for this activity by December 31 of each year. The check or money order shall be made payable to the Kentucky State Treasurer and accompanied by form DEP 7119. [401 KAR 47:090 Section 5]
16. The permittee shall accept for bioremediation only soil or other earthen materials, granular absorbents, sawdust, solid or special waste matrices managed in compliance with Kentucky solid waste and special waste regulations, and other materials specifically approved by the Cabinet. [401 KAR 47:120 Section 2]

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Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 06-21-1995 - Bioremediation, Landfarming Class II - New, LP5NW1
2. 02-03-1997 - Minor Modification #1 - Modified Petroleum Soils Remediation Plan, LP5MOMN1

ACTV0021 - Residential Landfill**Standard Requirements:**

1. General: The owner or operator of a solid waste site or facility shall comply with KRS Chapter 224 and 401 KAR Chapters 30, 40, 47 and the applicable technical portions of Chapter 48 for the construction and operation of solid waste facilities. [KRS 224.40-305]
2. General: The owner or operator shall comply with KRS Chapter 224.40-305, 401 KAR 47:080, Sections 4 and 5, and the approved applications for the closure of the residential landfill(s). [401 KAR 47:080 Section 4]

Variations, Alternate Specifications and Special Conditions:

1. Closure: The permittee shall maintain Units 1, 2, 3, and 6 in accordance with the closure as-built plans accepted September 10, 1996. Units 2, 3, and 6 shall be maintained until they are overlaid by the Unit 8 contained landfill leachate barrier as set forth in the approved Unit 8 Technical Application, at which time the Unit 8 operating, maintenance, closure, and closure care requirements will apply. [401 KAR 47:080 Section 5(1)(b)1]

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 09-25-1985 - Plans Approved, Construction/Operational Residential Landfill Permit, effective 9-25-85
2. 04-06-1987 - Name Change Approved
3. 05-29-1986 - Bond Amendment
4. 07-14-1988 - Add sources
5. 08-16-1988 - Approval Issued
6. 01-23-1989 - Modification Approved
7. 06-23-1989 - Approval Issued
8. 10-18-1989 - Approval Issued
9. 07-16-1990 - Approval Issued
10. 10-09-1990 - Minor Modification #7
11. 10-16-1990 - Minor Modification #3
12. 10-17-1990 - Minor Modification #2
13. 10-24-1990 - Approval Issued
14. 10-31-1990 - Minor Modification #1
15. 04-30-1991 - Minor Modification #13
16. 11-22-1991 - Minor Modification #16
17. 12-31-1991 - Minor Modification #15
18. 02-03-1992 - Approval Issued
19. 07-24-1992 - Minor Modification #18
20. 09-25-1992 - Minor Modification #19

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21. 10-05-1992 - Add/Delete Source #1
22. 11-16-1992 - Minor Modification #20
23. 11-25-1992 - Minor Modification #12
24. 11-30-1992 - Minor Modification #11
25. 12-16-1992 - Recordkeeping Modification #1
26. 01-07-1993 - Minor Modification #9
27. 03-05-1993 - Minor Modification #10
28. 03-17-1993 - Minor Modification #21
29. 06-14-1993 - Groundwater Assessment #1
30. 07-15-1993 - Minor Modification #22
31. 08-10-1993 - Add/Delete Source #2
32. 03-04-1994 - Major Modification #1, LR1MOMJ1
33. 03-04-1994 - Minor Modification #23, LR1MOMN23
34. 03-04-1994 - Permit Renewal #1, LR1PR1
35. 05-24-1994 - Minor Modification #24, LR1MOMN24
36. 09-09-1994 - Closure Plan Modification #1, LR1MOCP1 - Modification to Construction Quality Assurance Plan for Area 4
37. 09-12-1994 - Groundwater Monitoring Plan Modification #2, LR1MOGW2
38. 11-07-1994 - Minor Modification #25, LR1MOMN25 - South Grade Lane Borrow Area
39. 03-29-1995 - Minor Modification #26, LR1MOMN26
40. 06-21-1995 - Minor Modification #27, LR1MOMN27 - Name Change
41. 06-30-1995 - Add/Delete Source #3, LR1MOAD3
42. 09-10-1996 - Closure As-built Plans
43. 07-24-2015 - Permit Renewal - APE20150002

ACTV0025 - Transfer Station Medical Waste-SW-RPBR

Approved Applications - The owner or operator shall comply with applicable statutes and regulations and the following approved applications:

1. 10-21-2011 - RPBR Medical Waste Transfer Station, ARP20110002
2. 05-08-2015 - Activity Terminated

Financial Assurance**ACTV0022 - Financial Assurance**

The following is a history of the financial assurance for this facility:

1. 01-30-1976 - SB #57473, \$38,500.00
2. 05-09-1979 - SB #EX431-009, \$28,000.00; SB #EX431-010, \$23,000.00
3. 05-09-1979 - SB #57473 released
4. 02-01-1982 - SB #400GB4687, \$28,000.00; SB #GB4688, \$23,000.00
5. 02-03-1982 - SB #EX431-009, SB #EX431-010 released
6. 03-11-1983 - SB #400GQ9412, \$25,000.00
7. 04-15-1985 - SB #8106-9034, \$38,500.00
8. 02-25-1986 - LOC #47634-IC, \$1,770,000.00; SB #8106-9034, SB #GB4688, SB #400GB4687 released

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9. 11-05-1986 - LOC #21201134, \$1,770,000.00; LOC #47634-IC released
10. 06-19-1990 - SB #PB89-0006, \$2,500,000.00; LOC #21201134 released
11. 02-12-1993 - SB #PB93-0012, \$15,239,160.00
12. 10-17-1993 - SB #PB93-0012 increased to \$16,567,708.00
13. 03-15-1994 - SB #PB93-0012 increased to \$17,373,434.72
14. 06-05-1995 - COI #CPCS95-0003, \$17,373,434.72; SB #PB93-0012 released
15. 06-22-1995 - COI #CPCS0095-0029, \$2,905,320.00
16. 09-28-1995 - COI #CPCS0095-0038, \$2,500,000.00; SB #PB89-0006 released
17. 09-28-1995 - COI #CPCS0095-0005, \$3,257,010.00
18. 06-10-1999 - CPCS99-0016, \$10,000.00
19. 10-07-1999 - COI #CPCS95-0003 inflationary increase to \$17,984,813.00
20. 10-07-1999 - COI #CPCS0095-0029 inflationary increase to \$3,002,733.00
21. 10-07-1999 - COI #CPCS0095-0038 inflationary increase to \$2,588,125.00
22. 10-07-1999 - COI #CPCS0095-0005 inflationary increase to \$3,371,820.00
23. 09-05-2000 - COI #CPCS95-0003 inflationary increase to \$18,254,585.00
24. 09-05-2000 - COI #CPCS0095-0029 inflationary increase to \$3,052,849.00
25. 09-05-2000 - COI #CPCS0095-0038 inflationary increase to \$2,626,947.00
26. 09-05-2000 - COI #CPCS0095-0005 inflationary increase to \$3,422,397.00
27. 10-22-2001 - COI #CPCS95-0003 inflationary increase to \$18,637,931.00
28. 10-22-2001 - COI #CPCS0095-0029 inflationary increase to \$3,116,959.00
29. 10-22-2001 - COI #CPCS0095-0038 inflationary increase to \$2,682,113.00
30. 10-22-2001 - COI #CPCS0095-0005 inflationary increase to \$3,494,267.00
31. 08-16-2002 - COI #CPCS95-0003 inflationary increase to \$19,047,965.00
32. 08-16-2002 - COI #CPCS0095-0029 inflationary increase to \$3,185,532.00
33. 08-16-2002 - COI #CPCS0095-0038 inflationary increase to \$2,742,119.00
34. 08-16-2002 - COI #CPCS0095-0005 inflationary increase to \$3,571,141.00
35. 07-21-2005 - COI #CPCS04-0011, \$18,715,440.00, SB #850798, \$3,269,037.00
36. 07-21-2005 - COI #CPCS95-0003, COI #CPCS0095-0029, COI #CPCS0095-0038, COI #CPCS0095-0005 released
37. 05-19-2006 - COI #CPCS04-0011 inflationary increased to \$19,127,179.68
38. 05-19-2006 - SB #850798 inflationary increase to \$3,340,955.81
39. 06-29-2006 - SB #1017644, \$2,400,000.00
40. 07-24-2006 - SB #850798, reduced to \$940,955.81
41. 06-05-2007 - COI #CPCS04-0011 inflationary increased to \$19,681,867.89
42. 06-05-2007 - SB #1017644 inflationary increased to \$2,496,887.72
43. 06-04-2008 - COI #CPCS04-0011 inflationary increased to \$20,311,687.67
44. 05-22-2010 - COI #CPCS99-0016, increased to \$10,673.60
45. 05-22-2010 - SB #850798 increased to \$952,247.28
46. 05-22-2010 - COI #CPCS04-0011 increased to \$26,209,039.85
47. 05-22-2010 - SB #1017644 increased to \$4,164,382.42
48. 05-06-2011 - COI #CPCS99-0016, increased to \$10,801.68
49. 05-06-2011 - COI #CPCS04-0011 increased to \$26,523,548.33
50. 05-06-2011 - SB #1017644 increased to \$4,225,781.98
51. 06-06-2012 - SB #1017644 increased to \$4,334,520.59
52. 06-06-2012 - COI #CPCS04-0011 increased to \$27,080,542.84
53. 06-04-2012 - COI #CPCS99-0016, increased to \$11,028.52
54. 06-12-2014 - SB #1017644 increased to \$4,429,682.41
55. 06-12-2014 - COI #CPCS04-0011 increased to \$27,981,512.50

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56. 06-12-2014 - COI #CPCS99-0016, increased to \$11,395.44
57. 06-12-2014 - SB #850798 increased to \$1,128,138.05
58. 05-07-2015 - COI #CPCS04-0011 increased to \$28,373,253.68
59. 05-07-2015 - COI #CPCS99-0016, increased to \$11,554.98
60. 03-31-2016 - Surety Bond #301724, \$2,864,225.57
61. 04-25-2016 - SB #850798 increased to \$2,864,225.00
62. 04-26-2016 - SB #1017644 released
63. 03-31-2016 - COI #CPCS04-0011 increased to \$30,017,453.21
64. 03-31-2016 - COI #CPCS99-0016 increased to \$11,670.53
65. 04-12-2017 - COI #CPCS04-0011 increased to \$45,106,140.72
66. 04-12-2017 - CPCS99-0016 released
67. 04-12-2017 - SB #301724 reduced to \$2,807,859.28

GSTR0001 - Groundwater Monitoring - SW: Groundwater Monitoring (General Conditions)

Group Members: AIOO2257 - Agency Interest # 2257

Standard Requirements:

1. The owner or operator shall satisfy the requirements of 401 KAR 48:300 for all wastes (or constituents thereof) contained in waste management units at the facility regardless of the time waste was placed in such unit. [401 KAR 48:300 Section 1]
2. The owner or operator shall monitor groundwater on the approved schedule at each approved groundwater monitoring location in accordance with 401 KAR 48:300, the permit, and the approved plans. A table summarizing the parameters to be monitored, their respective limits and monitoring frequency is included herein. [401 KAR 48:300, 401 KAR 47:120 Section 1]
3. Metal criteria shall be total metals to be measured in an unfiltered sample. [401 KAR 47:030 Section 6(1)]
4. Groundwater monitoring wells shall be constructed and maintained in accordance with 401 KAR 48:300 Section 6, the permit, and the approved plans. [401 KAR 48:300 Section 6, 401 KAR 47:120 Section 1]
5. No monitoring well construction, maintenance, or abandonment may be conducted without prior approval by the Division of Waste Management. [401 KAR 47:120 Section 1, 401 KAR 47:120 Section 2]
6. Only a Kentucky Certified Monitoring Well Driller may construct or abandon monitoring wells. [401 KAR 6:320, 401 KAR 48:300 Section 7(3)]
7. The owner or operator shall provide alternate water supplies to all affected parties within twenty-four (24) hours of notification of the Cabinet that sample results indicate contamination of a drinking water supply if it has been determined that the site or facility is the probable source of the contamination. [401 KAR 48:300 Section 8]
8. The owner or operator shall provide the division a minimum of five (5) working days advance notice for all groundwater monitoring well construction and abandonment activities. [401 KAR 40:020 Section 2(4)]

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Variations, Alternate Specifications and Special Conditions:

1. Should the facility fail to maintain an upward groundwater gradient between the Sellersburg / Jeffersonville Limestone Aquifer and the overlying New Albany Shale Aquifer as determined from groundwater elevation monitoring, the permittee shall submit a revised groundwater monitoring plan to the Division within 30 days of the discovery of this condition. The plan shall determine the cause of the loss of an upward gradient and address additional groundwater quality monitoring as necessary in accordance with approved application APE20000002. [401 KAR 47:120 Section 1, 401 KAR 47:120 Section 2]
2. Should the facility fail to maintain an inward groundwater gradient in the upper (New Albany Shale) aquifer as determined from groundwater elevation monitoring, the permittee shall submit a revised groundwater monitoring plan to the Division within 30 days of the discovery of this condition. The plan shall determine the cause of the loss of an inward gradient and address additional groundwater monitoring as necessary in accordance with approved application APE20000002. [401 KAR 47:120 Section 1]
3. The owner or operator shall monitor groundwater quality annually at the selected groundwater monitoring wells and sumps as provided in this permit. The technical justification for this alternate specification is based on maintaining an inward groundwater flow gradient. The details of this alternate specification is described in the Groundwater Monitoring and Corrective Action Plan, Attachment 25 of the approved Technical Application APE20000002. [401 KAR 47:120 Section 2]
4. The owner or operator shall maintain an inward groundwater gradient in lieu of performing statistical evaluation of groundwater quality. The technical justification for this alternate specification is based on maintaining an inward groundwater flow gradient. The details of this alternate specification is described in the Groundwater Monitoring and Corrective Action Plan, Attachment 25 of the approved Technical Application APE20000002. [401 KAR 47:120 Section 2]
5. Environmental monitoring shall be conducted in accordance with this permit and the approved plans and the results submitted to the Cabinet according to the following schedule: First Quarter Compliance Monitoring Report: Results due May 30; Second Quarter Compliance Monitoring Report: Results due August 30; Third Quarter Compliance Monitoring Report: Results due November 30; Fourth Quarter Compliance Monitoring Report: Results due February 28; Annual Compliance Monitoring Report: Results due February 28. [401 KAR 48:300 Section 7, 401 KAR 47:120 Section 2]

GSTR0002 - Groundwater Monitoring - SW: Groundwater Piezometer Monitoring Group (Upper Aquifer)

Group Members: MNPT0057 - Methane Monitoring Point MMP 15; STRC0003 - Well GS-101; STRC0004 - Well GS-102; STRC0005 - Well GS-103; STRC0007 - Well GS-105; STRC0008 - Well GS-106; STRC0009 - Well GS-107; STRC0010 - Well GS-108; STRC0011 - Well GS-109; STRC0013 - Well GS-112; STRC0014 - Well GS-113; STRC0015 - Well GS-114; STRC0016 - Well GS-115; STRC0017 - Well GS-116; STRC0018 - Well GS-117; STRC0019 - Well GS-118; STRC0020 - Well GS-120; STRC0021 - Well GS-121; STRC0022 - Well GS-123; STRC0023 - Well GS-124; STRC0024 - Well GS-125; STRC0025 - Well GS-126; STRC0027 - Well GS-128; STRC0029 - Well GS-130; STRC0030 - Well GS-131; STRC0031 - Well GS-132; STRC0033 - Well GS-134; STRC0034 - Well GS-135; STRC0035 - Well GS-136; STRC0036 - Well GS-137; STRC0037 - Well GS-138; STRC0038 - Well GS-139; STRC0039 - Well GS-

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140; STRC0040 - Well GS-141; STRC0041 - Well GS-142; STRC0042 - Well GS-143; STRC0044 - Well GS-145; STRC0045 - Well GS-146; STRC0046 - Well GS-147; STRC0047 - Well GS-148; STRC0048 - Well GS-149

Variations, Alternate Specifications and Special Conditions:

1. The permittee shall monitor these wells, piezometers, and methane probe for water levels only on a quarterly basis. [401 KAR 47:120 Section 2, 401 KAR 48:300 Section 8]
2. Monitoring wells GS-133 and GS-144 may be abandoned in accordance with 401 KAR 48:300, 401 KAR 6:350, and the approved application(s). Abandonment methods shall be consistent with 401 KAR 6:350, Section 11. The Division of Waste Management (DWM) shall be notified at least ten (10) working days prior to monitoring well abandonment. A Construction Progress Report shall be submitted to DWM within thirty (30) days of abandonment. [401 KAR 6:350]
3. Only a Kentucky Certified Monitoring Well Driller may construct or abandon monitoring wells. [401 KAR 47:120 Section 2, 401 KAR 48:300]

GSTR0004 - Groundwater Monitoring - SW: Groundwater Piezometer Monitoring Group (Lower Aquifer)

Group Members: STRC0053 - Well GD-201; STRC0054 - Well GD-202R; STRC0055 - Well GD-203; STRC0057 - Well GD-205; STRC0058 - Well GD-206; STRC0059 - Well GD-207; STRC0060 - Well GD-208; STRC0061 - Well GD-209; STRC0062 - Well GD-210

Variations, Alternate Specifications and Special Conditions:

1. The permittee shall monitor these wells and piezometers for water levels only on a quarterly basis. [401 KAR 48:300 Section 8, 401 KAR 47:120 Section 2]

GSTR0005 - Groundwater Monitoring - SW: Collection Sump Monitoring Static Water Level Monitoring Group

Group Members: MNPT0005 - Underdrain UD7-1; MNPT0006 - Underdrain UD7-2; MNPT0007 - Underdrain UD7-3; MNPT0008 - Underdrain UD7-4; MNPT0009 - Underdrain UD-1A; MNPT0010 - Underdrain UD-1B; MNPT0011 - Underdrain UD-2A; MNPT0012 - Underdrain UD-2B

Variations, Alternate Specifications and Special Conditions:

1. The permittee shall monitor these sumps for water levels quarterly. [401 KAR 48:300 Section 8, 401 KAR 47:120 Section 2]
2. Operation: Unit 5 UD-1A Underdrain shall not be abandoned until the Unit 8 Phase III C Underdrain is fully operational. [401 KAR 47:120 Section 2]

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GSTR0006 - Groundwater Monitoring - SW: Collection Sump Monitoring Group (UD-2A and UD-2B)

Group Members: MNPT0011 - Underdrain UD-2A; MNPT0012 - Underdrain UD-2B

Variances, Alternate Specifications and Special Conditions:

1. The permittee shall monitor Underdrains UD-2A and UD-2B for Dioxins and Furans annually. [401 KAR 48:300 Section 11(3)]
2. The Permittee shall monitor a composite sample of Underdrains UD-2A and UD-2B for Carbazole (9H-Carbazole) annually. [401 KAR 48:300 Section 11(3)]
3. If the presence of Carbazole (9H-Carbazole), Dioxins, or Furans is confirmed in the underdrains, the wells associated with Unit 5 (GS-106, GS-111, GS-131, and GS-132) shall be sampled for these parameters. [401 KAR 47:120 Section 2]
4. If the presence of Carbazole (9H-Carbazole), Dioxins, or Furans is confirmed in any groundwater monitoring well, the permittee shall submit a groundwater assessment plan in accordance with 401 KAR 48:300, Section 8. [401 KAR 47:120 Section 2]
5. If Carbazole (9H-Carbazole), Dioxins, or Furans are detected in the underdrain samples from Underdrain UD-2A or Underdrain UD-2B, the permittee shall notify the Cabinet immediately, and a resampling event shall occur to confirm the presence of these constituents in the underdrains. [401 KAR 47:120 Section 2]

GSTR0008 - Groundwater Monitoring - SW: Groundwater Monitoring and Corrective Action Group (Upper Aquifer)

Group Members: STRC0009 - Well GS-107; STRC0010 - Well GS-108; STRC0014 - Well GS-113; STRC0018 - Well GS-117; STRC0019 - Well GS-118

Variances, Alternate Specifications and Special Conditions:

1. The permittee shall monitor these wells annually for the parameters listed in the attached table. [401 KAR 47:120 Section 2, 401 KAR 48:300 Section 11(3)]

GSTR0009 - Groundwater Monitoring - SW: Collection Sump Monitoring Static Water Level Monitoring Group (Final Sumps for Monitoring Phase VIII)

Group Members: MNPT0008 - Underdrain UD7-4; MNPT0009 - Underdrain UD-1A; MNPT0010 - Underdrain UD-1B; MNPT0011 - Underdrain UD-2A; MNPT0012 - Underdrain UD-2B; MNPT0013 - Underdrain UD-8 II; MNPT0014 - Underdrain UD-8 III A; MNPT0015 - Underdrain UD-8 III A/C; MNPT0016 - Underdrain UD-8 VIII D/E; MNPT0017 - Underdrain UD-8 VIII B/C; MNPT0018 - U Drain UD-8 VII C/VIII A; MNPT0019 - U Drain UD-8 VII A/B; MNPT0020 - Underdrain UD-8 VI; MNPT0021 - Underdrain UD-8 V C; MNPT0022 - Underdrain UD-8 V A/B; MNPT0023 - Underdrain UD-8

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IV

Variations, Alternate Specifications and Special Conditions:

1. Upon construction of Phase VIII, the permittee shall monitor these sumps for water levels quarterly. [401 KAR 48:300 Section 8, 401 KAR 47:120 Section 2]
2. Operation: Unit 5 UD-1A Underdrain shall not be abandoned until the Unit 8 Phase III C Underdrain is fully operational. [401 KAR 47:120 Section 2]

GMNP0002 - Surface Water Monitoring - SW: Surface Water Monitoring Group (Active)

Group Members: MNPT0001 - Upstream SW-US2; MNPT0002 - Downstream SW-DS2

Standard Requirements:

1. The owner or operator shall monitor surface water in accordance with 401 KAR 48:300 Section 2 and the approved surface water monitoring plan. A table summarizing the parameters to be monitored and the monitoring frequency is included herein. [401 KAR 48:300 Section 2]
2. Surface water corrective action shall be completed by the owner or operator as necessary to comply with 401 KAR 47:030 Section 4. [401 KAR 47:030 Section 4]
3. Surface water analytical data shall be submitted in the compliance monitoring reports with all other permit-required environmental monitoring results. [401 KAR 48:300 Section 2]
4. Sampling protocol shall measure surface water under base flow conditions that continues to drain after storm-induced runoff has ceased. [401 KAR 48:300 Section 2]
5. The permittee shall monitor other parameters as required by the Cabinet. [401 KAR 48:300 Section 2]

GMNP0006 - Surface Water Monitoring - SW: Surface Water Monitoring Group (Proposed for Future Monitoring of Phase VIII)

Group Members: MNPT0003 - Downstream SW-DS1; MNPT0004 - Upstream SW-US1

Variations, Alternate Specifications and Special Conditions:

1. Prior to the construction of Phase VIII, the existing surface water quality shall be characterized by two sampling events at both the upstream and downstream monitoring points collected no less than thirty (30) days apart in accordance with approved application APE20000002. [401 KAR 47:120 Section 1, 401 KAR 48:300 Section 2]

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GMNP0003 - Methane Monitoring - SW: Methane Monitoring Group

Group Members: AIOO2257 - Agency Interest # 2257

Standard Requirements:

1. **Property Line Explosive Gas Monitoring:** The owner or operator of a contained landfill shall quarterly monitor for explosive gas at locations along the facility property boundary as shown in the permit. [401 KAR 48:090 Section 4(2)(b)]
2. **Quarterly Facility Structure Explosive Gas Monitoring:** The owner or operator of a contained landfill shall monitor quarterly for explosive gas underneath or in the low area of each on-site building. [401 KAR 48:090 Section 4(2)(a)]
3. **Continuous Facility Structure Explosive Gas Monitoring:** The owner or operator shall install, operate, and maintain a gas detector with an alarm set at twenty-five (25) percent of the lower explosive limit in each on-site building. [401 KAR 48:090 Section 4(4)]
4. **Passive Gas Vent Explosive Gas Monitoring:** The owner or operator of a contained landfill shall quarterly monitor for explosive gas at each passive gas vent installed under the final closure cap. [401 KAR 48:090 Section 4(2)(c)]
5. **Problem Area Explosive Gas Monitoring:** The owner or operator of a contained landfill shall quarterly monitor for explosive gas at any potential gas problem areas, as revealed by dead vegetation or other indicators. [401 KAR 48:090 Section 4(2)(d)]
6. **Other Explosive Gas Monitoring:** The owner or operator of a contained landfill shall monitor quarterly for explosive gas at any other points required by the Cabinet in the permit. [401 KAR 48:090 Section 4(2)(e)]
7. **Exceedences:** If methane gas levels exceeding twenty-five (25) percent of the lower explosive limits (LEL) for methane in facility structures (excluding gas control or recovery system components) or the lower explosive limit for methane at the facility property boundary are detected, the owner or operator shall, within fourteen days, submit to the Cabinet for approval a remediation plan for the methane gas releases. The plan shall describe the extent of the problem and the proposed remedy. The plan shall be implemented upon approval by the Cabinet. [401 KAR 48:090 Section 4(5)(c)]
8. **Exceedences:** If methane gas levels exceeding twenty-five (25) percent of the lower explosive limits (LEL) for methane in facility structures (excluding gas control or recovery system components) or the lower explosive limit for methane at the facility property boundary are detected, the owner or operator shall immediately notify the Cabinet of the methane gas levels detected and the immediate steps taken to protect human health. [401 KAR 48:090 Section 4(5)(b)]
9. **Exceedences:** If methane gas levels exceeding twenty-five (25) percent of the lower explosive limits (LEL) for methane in facility structures (excluding gas control or recovery system components) or the lower explosive limit for methane at the facility property boundary are detected, the owner or operator shall take all necessary steps to ensure immediate protection of human health. [401 KAR 48:090 Section 4(5)(a)]

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10. Recordkeeping: The owner or operator shall record the date, time, location, percent lower explosive limit and other pertinent information regarding explosive gas monitoring on a recordkeeping form approved by the Cabinet. [401 KAR 48:090 Section 4(3)]

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Groundwater Monitoring Limits:

Subject Item	CAS Number	Parameter	Frequency	Lower Limit	Upper Limit	Units	Statistical Limit	Report Only
GSTR0002		Groundwater Elevation	quarterly			feet above mean sea level based on a USGS datum		Yes
GSTR0004		Groundwater Elevation	quarterly			feet above mean sea level based on a USGS datum		Yes
GSTR0005		Groundwater Elevation	quarterly			feet above mean sea level based on a USGS datum		Yes
GSTR0006	86-74-8	Carbazole (9H-Carbazole)	annually			mg/L		Yes
GSTR0006		Dioxins/Furans	annually			mg/L		Yes
GSTR0006		Groundwater Elevation	quarterly			feet above mean sea level based on a USGS datum		Yes
GSTR0008	630-20-6	1,1,1,2-Tetrachloroethane	annually			mg/L		Yes
GSTR0008	71-55-6	1,1,1-Trichloroethane	annually			mg/L		Yes
GSTR0008	79-34-5	1,1,2,2-Tetrachloroethane	annually			mg/L		Yes
GSTR0008	79-00-5	1,1,2-Trichloroethane	annually			mg/L		Yes
GSTR0008	75-34-3	1,1-Dichloroethane	annually			mg/L		Yes
GSTR0008	75-35-4	1,1-Dichloroethylene	annually			mg/L		Yes
GSTR0008	96-18-4	1,2,3-Trichloropropane	annually			mg/L		Yes
GSTR0008	96-12-8	1,2-Dibromo-3-Chloropropane	annually			mg/L		Yes
GSTR0008	106-93-4	1,2-Dibromoethane	annually			mg/L		Yes
GSTR0008	95-50-1	1,2-Dichlorobenzene	annually			mg/L		Yes
GSTR0008	107-06-2	1,2-Dichloroethane	annually			mg/L		Yes
GSTR0008	78-87-5	1,2-Dichloropropane	annually			mg/L		Yes
GSTR0008	106-46-7	1,4-Dichlorobenzene	annually			mg/L		Yes
GSTR0008	591-78-6	2-Hexanone	annually			mg/L		Yes
GSTR0008	67-64-1	Acetone	annually			mg/L		Yes
GSTR0008	107-02-8	Acrolein	annually			mg/L		Yes
GSTR0008	107-13-1	Acrylonitrile	annually			mg/L		Yes
GSTR0008	7440-36-0	Antimony, Total (as Sb)	annually			mg/L		Yes

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Subject Item	CAS Number	Parameter	Frequency	Lower Limit	Upper Limit	Units	Statistical Limit	Report Only
GSTR0008	7440-38-2	Arsenic, Total (as As)	annually			mg/L		Yes
GSTR0008	7440-39-3	Barium, Total (as Ba)	annually			mg/L		Yes
GSTR0008	71-43-2	Benzene	annually			mg/L		Yes
GSTR0008	7440-41-7	Beryllium, Total	annually			mg/L		Yes
GSTR0008	75-27-4	Bromodichloromethane	annually			mg/L		Yes
GSTR0008	7440-43-9	Cadmium, Total (as Cd)	annually			mg/L		Yes
GSTR0008	75-15-0	Carbon Disulfide	annually			mg/L		Yes
GSTR0008	56-23-5	Carbon Tetrachloride	annually			mg/L		Yes
GSTR0008		Carbon, Total Organic	annually			mg/L		Yes
GSTR0008		Chemical Oxygen Demand (COD)	annually			mg/L		Yes
GSTR0008	16887-00-6	Chloride	annually			mg/L		Yes
GSTR0008	108-90-7	Chlorobenzene	annually			mg/L		Yes
GSTR0008	74-97-5	Chlorobromomethane	annually			mg/L		Yes
GSTR0008	75-00-3	Chloroethane	annually			mg/L		Yes
GSTR0008	67-66-3	Chloroform	annually			mg/L		Yes
GSTR0008	7440-47-3	Chromium, Total (as Cr)	annually			mg/L		Yes
GSTR0008	10061-01-5	Cis 1,3-Dichloropropylene	annually			mg/L		Yes
GSTR0008	156-59-2	Cis-1,2-Dichloroethylene	annually			mg/L		Yes
GSTR0008	7440-48-4	Cobalt, Total	annually			mg/L		Yes
GSTR0008	7440-50-8	Copper, Total (as Cu)	annually			mg/L		Yes
GSTR0008	124-48-1	Dibromochloromethane	annually			mg/L		Yes
GSTR0008	75-09-2	Dichloromethane	annually			mg/L		Yes
GSTR0008	100-41-4	Ethyl Benzene	annually			mg/L		Yes
GSTR0008		Groundwater Elevation	quarterly			feet above mean sea level based on a USGS datum		Yes
GSTR0008		Groundwater Flow Rate	quarterly			gallons per day/square foot		Yes
GSTR0008		Halides, Total Organic	annually			mg/L		Yes
GSTR0008	74-88-4	Iodomethane	annually			mg/L		Yes

Permit Number: SW05600028

Agency Interest ID: 2257

PERMIT

Subject Item	CAS Number	Parameter	Frequency	Lower Limit	Upper Limit	Units	Statistical Limit	Report Only
GSTR0008	7439-89-6	Iron, Total (as Fe)	annually			mg/L		Yes
GSTR0008	7439-92-1	Lead, Total (as Pb)	annually			mg/L		Yes
GSTR0008	7439-97-6	Mercury, Total (as Hg)	annually			mg/L		Yes
GSTR0008	74-83-9	Methyl Bromide	annually			mg/L		Yes
GSTR0008	74-87-3	Methyl Chloride	annually			mg/L		Yes
GSTR0008	78-93-3	Methyl Ethyl Ketone	annually			mg/L		Yes
GSTR0008	108-10-1	Methyl Isobutyl Ketone	annually			mg/L		Yes
GSTR0008	74-95-3	Methylene Bromide	annually			mg/L		Yes
GSTR0008	7440-02-0	Nickel, Total (as Ni)	annually			mg/L		Yes
GSTR0008		Nitrogen, Nitrate Total (as N)	annually			mg/L		Yes
GSTR0008	7782-49-2	Selenium, Total (as Se)	annually			mg/L		Yes
GSTR0008	7440-22-4	Silver, Total (as Ag)	annually			mg/L		Yes
GSTR0008	7440-23-5	Sodium	annually			mg/L		Yes
GSTR0008		Solids, Total Dissolved	annually			mg/L		Yes
GSTR0008		Specific Conductance	annually			umho/cm		Yes
GSTR0008	100-42-5	Styrene	annually			mg/L		Yes
GSTR0008		Temperature, Water Deg. Fahrenheit	annually			degrees Fahrenheit		Yes
GSTR0008	127-18-4	Tetrachloroethylene (PCE)	annually			mg/L		Yes
GSTR0008	7440-05-3	Thallium, Total	annually			mg/L		Yes
GSTR0008	108-88-3	Toluene	annually			mg/L		Yes
GSTR0008	156-60-5	Trans-1,2-Dichloroethylene	annually			mg/L		Yes
GSTR0008	10061-02-6	Trans-1,3-Dichloropropene	annually			mg/L		Yes
GSTR0008	110-57-6	Trans-1,4-Dichloro-2-Butene	annually			mg/L		Yes
GSTR0008	75-25-2	Tribromomethane	annually			mg/L		Yes
GSTR0008	79-01-6	Trichloroethylene	annually			mg/L		Yes
GSTR0008	75-69-4	Trichlorofluoromethane	annually			mg/L		Yes

Permit Number: SW05600028

Agency Interest ID: 2257

PERMIT

Subject Item	CAS Number	Parameter	Frequency	Lower Limit	Upper Limit	Units	Statistical Limit	Report Only
GSTR0008	7440-62-2	Vanadium, Total	annually			mg/L		Yes
GSTR0008	108-05-4	Vinyl Acetate	annually			mg/L		Yes
GSTR0008	75-01-4	Vinyl Chloride	annually			mg/L		Yes
GSTR0008	1330-20-7	Xylenes (Total)	annually			mg/L		Yes
GSTR0008	7440-66-6	Zinc, Total (as Zn)	annually			mg/L		Yes
GSTR0008		pH	annually			standard units		Yes

Surface Water Monitoring Limits:

Subject Item	CAS Number	Parameter	Frequency	Lower Limit	Upper Limit	Units	Statistical Limit	Report Only
GMNP0002		Carbon, Total Organic	quarterly			mg/L		Yes
GMNP0002		Chemical Oxygen Demand (COD)	quarterly			mg/L		Yes
GMNP0002	16887-00-6	Chloride	quarterly			mg/L		Yes
GMNP0002	7439-89-6	Iron, Total (as Fe)	quarterly			mg/L		Yes
GMNP0002	7440-23-5	Sodium	quarterly			mg/L		Yes
GMNP0002		Solids, Total Dissolved	quarterly			mg/L		Yes
GMNP0002		Solids, Total Suspended (TSS)	quarterly			mg/L		Yes
GMNP0002		Specific Conductance	quarterly			umho/cm		Yes
GMNP0002	14808-79-8	Sulfate	quarterly			mg/L		Yes
GMNP0002		Total Solids	quarterly			mg/L		Yes
GMNP0002		pH	quarterly			standard units		Yes

Permit Number: SW05600028

Agency Interest ID: 2257

PERMIT

Methane Monitoring Limits:

Subject Item	CAS Number	Parameter	Frequency	Lower Limit	Upper Limit	Units	Statistical Limit	Report Only
GMNP0003		Continuous Facility Structure Explosive Gas Monitoring	continuously		25	% Lower Explosive Limit for Methane		
GMNP0003		Property Line Explosive Gas Monitoring	quarterly		100	% Lower Explosive Limit for Methane		
GMNP0003		Quarterly Facility Structure Explosive Gas Monitoring	quarterly		25	% Lower Explosive Limit for Methane		

KPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

PERMIT

PERMIT NO.: KY0091995

AI NO.: 2257

**AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to Authority in KRS 224,

Outer Loop Recycling and Disposal Facility
2673 Outer Loop Road
Louisville, Kentucky 42501

is authorized to discharge from a facility located at

Outer Loop Recycling and Disposal Facility
2673 Outer Loop Road
Louisville, Kentucky 42501

to receiving waters named

Northern Ditch
Wetwoods Creek
Louisville Metropolitan Sewer District Basin

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on June 1, 2012.

This permit and the authorization to discharge shall expire at midnight, May 31, 2017.

April 18, 2012

Date Signed

A handwritten signature in black ink, appearing to read 'Sandra L. Gruzesky', located above the director's name.

**Sandra L. Gruzesky, Director
Division of Water**

1. EFFLUENT AND MONITORING REQUIREMENTS

1.1 Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
No.	Type	Latitude (N)	Longitude (W)	Description of Outfall
021	Pipe	38° 08' 37"	85° 44' 16"	Collects runoff from covered areas only of a residential / construction demolition debris landfill unit and contained landfill. Runoff from this location is treated by sedimentation.
026	Pipe	38° 08' 44"	85° 43' 24"	Collects runoff from covered areas only of a residential / construction demolition debris landfill unit and contained landfill. Runoff from this location is treated by sedimentation.
028	Pipe	38° 09' 08"	85° 43' 17"	Proposed future outfall would collect runoff from covered areas of contained landfill unit. Runoff from this location is treated by sedimentation.
029	Instream	38° 08' 39"	85° 42' 42"	Upstream monitoring of water quality entering Outer Loop facility
030	Instream	38° 08' 01"	85° 43' 57"	Downstream monitoring of water quality leaving Outer Loop facility

1.2 Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit, discharges shall comply with the effluent limitations.

OUTFALL 021									
Effluent Characteristic	Units	Effluent Limitations						Monitoring Requirements	
		Loadings (lbs/day)		Concentration (specify units)				Monitoring Frequency	Sample Type
		Monthly Average	Daily Maximum	Minimum	Monthly Average	Weekly Average	Daily Maximum		
Flow	MGD	N/A	N/A	N/A	Report	N/A	Report	1/Month	Instantaneous
Hardness	mg/l as CaCO ₃	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
TSS	mg/l	N/A	N/A	N/A	N/A	N/A	100	1/Month	Grab
Total Antimony	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Arsenic	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Beryllium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Cadmium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Chromium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Copper	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Iron	mg/l	N/A	N/A	N/A	N/A	N/A	4.00	1/Month	Grab
Total Lead	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Nickel	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Selenium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Silver	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Thallium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Zinc	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Purgeables	µg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Year	Grab
pH	SU	N/A	N/A	6.0	N/A	N/A	9.0	1/Quarter	Grab

OUTFALLS 026 AND 028									
Effluent Characteristic	Units	Effluent Limitations						Monitoring Requirements	
		Loadings (lbs/day)		Concentration (specify units)				Monitoring Frequency	Sample Type
		Monthly Average	Daily Maximum	Minimum	Monthly Average	Weekly Average	Daily Maximum		
Flow	MGD	N/A	N/A	N/A	Report	N/A	Report	1/Month	Instantaneous
Hardness	mg/l as CaCO ₃	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
TSS	mg/l	N/A	N/A	N/A	N/A	N/A	100	1/Month	Grab
BOD ₅	Mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Month	Grab
Ammonia	(as mg/l N)	N/A	N/A	N/A	N/A	N/A	Report	1/Month	Grab
Total Antimony	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Arsenic	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Beryllium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Cadmium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Chromium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Copper	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Iron	mg/l	N/A	N/A	N/A	N/A	N/A	4.00	1/Month	Grab
Total Lead	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Nickel	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Selenium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Silver	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Thallium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Zinc	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Purgeables	µg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Year	Grab
pH	SU	N/A	N/A	6.0	N/A	N/A	9.0	1/Quarter	Grab

OUTFALL 029									
Effluent Characteristic	Units	Effluent Limitations						Monitoring Requirements	
		Loadings (lbs/day)		Concentration (specify units)				Monitoring Frequency	Sample Type
		Monthly Average	Daily Maximum	Minimum	Monthly Average	Weekly Average	Daily Maximum		
Flow	MGD	N/A	N/A	N/A	Report	N/A	Report	1/Month	Instantaneous
Hardness	mg/l as CaCO ₃	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
TSS	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Month	Grab
Total Antimony	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Arsenic	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Beryllium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Cadmium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Chromium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Copper	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Iron	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Month	Grab
Total Lead	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Nickel	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Selenium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Silver	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Thallium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Zinc	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Purgeables	µg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Year	Grab
pH	SU	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Oil & Grease	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab

OUTFALL 030									
Effluent Characteristic	Units	Effluent Limitations						Monitoring Requirements	
		Loadings (lbs/day)		Concentration (specify units)				Monitoring Frequency	Sample Type
		Monthly Average	Daily Maximum	Minimum	Monthly Average	Weekly Average	Daily Maximum		
Flow	MGD	N/A	N/A	N/A	Report	N/A	Report	1/Month	Instantaneous
Hardness	mg/l as CaCO ₃	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
TSS	mg/l	N/A	N/A	N/A	N/A	N/A	100	1/Month	Grab
Total Antimony	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Arsenic	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Beryllium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Cadmium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Chromium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Copper	mg/l	N/A	N/A	N/A	N/A	N/A	0.014	1/Quarter	Grab
Total Iron	mg/l	N/A	N/A	N/A	N/A	N/A	4.00	1/Month	Grab
Total Lead	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Nickel	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Selenium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Silver	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Thallium	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Zinc	mg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Total Purgeables	µg/l	N/A	N/A	N/A	N/A	N/A	Report	1/Year	Grab
pH	SU	N/A	N/A	6.0	N/A	N/A	9.0	1/Quarter	Grab
Oil & Grease	mg/l	N/A	N/A	N/A	N/A	N/A	15.0	1/Quarter	Grab

1.3 Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters. Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

1.4 Whole Effluent Toxicity Testing

Since this facility is neither a major discharger nor a new facility, Whole Effluent Toxicity testing is not required.

2. STANDARD CONDITIONS

2.1 Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2 Standard Conditions for KPDES Permit

2.2.1 Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.2.2 Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In those instances where an EPA approved method does exist that has an MDL at or below the established effluent limitation the permit shall: (1) use the method specified in the permit; or (2) the EPA approved method with an MDL that is nearest to the established effluent limit.

2.2.3 Conditions applicable to all permits

The following conditions apply to all KPDES permits.

2.2.3.1 Duty to comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

2.2.3.2 Duty to reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

2.2.3.3 Need to halt or reduce activity not a defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2.2.3.4 Duty to mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

2.2.3.5 Proper operation and maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2.2.3.6 Permit actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

2.2.3.7 Property rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

2.2.3.8 Duty to provide information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

2.2.3.9 Inspection and entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2.2.3.10 Monitoring and records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's disposal activities, which shall be retained for a period of at least five years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

2.2.3.11 Signatory requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

2.2.3.12 Reporting requirements

2.2.3.12.1 Planned changes.

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

2.2.3.12.2 Anticipated noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2.2.3.12.3 Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

2.2.3.12.4 Monitoring reports.

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

2.2.3.12.5 Compliance schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

2.2.3.12.6 Twenty-four hour reporting

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g)).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (i)(6)(ii) of this section if the oral report has been received within 24 hours.

2.2.3.12.7 Other noncompliance.

The permittee shall report all instances of noncompliance not reported under Sections 2.2.3.12.1 Planned Changes, 2.2.3.12.4 Monitoring Reports, 2.2.3.12.5 Compliance Schedules, and 2.2.3.12.6 Twenty-four Hour Reporting, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 2.2.3.12.6 Twenty-four Hour Reporting. **Error! Reference source not found.**

2.2.3.12.8 Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

2.2.3.13 Bypass

2.2.3.13.1 Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2.2.3.13.2 Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 2.2.13.1.

2.2.3.13.3 Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 2.2.3.12.6.

2.2.3.13.4 Prohibition of bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 2.2.3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Section 2.2.13.3.

2.2.3.13.5 Upset

2.2.3.13.5.1 Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2.2.3.13.5.2 Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 2.2.3.13.5.3 Conditions Necessary for a Demonstration of Upset are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review

2.2.3.13.5.3 Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 2.2.3.12.6 Twenty-four Hour Reporting
- (iv) The permittee complied with any remedial measures required under Section 2.2.3.4 Duty to Mitigate

2.2.3.13.5.4 Burden of proof

In any enforcement preceding the permittee seeking to establish the occurrence of an upset has the burden of proof.

2.2.4 Additional conditions applicable to existing manufacturing, commercial, mining and silvicultural discharges

The permittee shall notify the Director as soon as they know or have reason to believe that toxic pollutants not limited in the permit have been or shall be discharge in excess of the highest of the following notification levels:

POLLUTANT	ROUTINE/FREQUENT BASIS	NON-ROUTINE/INFREQUENT BASIS
Any Toxic Pollutant	100 µg/l or level established by the Director	500 µg/l or level established by the Director
Acrolein	200 µg/l	500 µg/l or level established by the Director
Acrylonitrile	200 µg/l	500 µg/l or level established by the Director
2,4-dinitrophenol	500 µg/l	500 µg/l or level established by the Director
2-methyl-4,6-dinitrophenol	500 µg/l	500 µg/l or level established by the Director
Antimony	1 mg/l	1 mg/l
Pollutant reported in permit application	Five (5) times the maximum concentration value	Ten (10) times the maximum concentration value

2.3 Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water
Surface Water Permits Branch
Permits Support Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601
Attention: DMR Coordinator

2.4 Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;

- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

3. SPECIAL CONDITIONS

3.1 Mixing Zone

A mixing zone was not requested by this facility.

3.2 Best Management Practices

3.2.1 BMP - General Conditions

3.2.1.1 BMP - Applicability

These conditions apply to all permittees who use, manufacture, store, handle, or discharge any pollutant listed as: (1) toxic under Section 307(a)(1) of the Clean Water Act; (2) oil, as defined in Section 311(a)(1) of the Act; (3) any pollutant listed as hazardous under Section 311 of the Act; or (4) is defined as a pollutant pursuant to KRS 224.01-010(35) and who have ancillary manufacturing operations which could result in (1) the release of a hazardous substance, pollutant, or contaminant, or (2) an environmental emergency, as defined in KRS 224.01-400, as amended, or any regulation promulgated pursuant thereto (hereinafter, the "BMP pollutants"). These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas.

3.2.1.2 BMP - Plan

The permittee shall develop and implement a Best Management Practices (BMP) plan consistent with 401 KAR 5:065, Section 2(10) pursuant to KRS 224.70-110, which prevents or minimizes the potential for the release of "BMP pollutants" from ancillary activities through plant site runoff; spillage or leaks, sludge or waste disposal; or drainage from raw material storage. A Best Management Practices (BMP) plan will be prepared by the permittee unless the permittee can demonstrate through the submission of a BMP outline that the elements and intent of the BMP have been fulfilled through the use of existing plans such as the Spill Prevention Control and Countermeasure (SPCC) plans, contingency plans, and other applicable documents.

3.2.1.3 BMP - Implementation

If this is the first time for the BMP requirement, then the plan shall be developed and submitted to the Division of Water within 90 days of the effective date of the permit. Implementation shall be within 180 days of that submission. For permit renewals the plan in effect at the time of permit reissuance shall remain in effect. Modifications to the plan as a result of ineffectiveness or plan changes to the facility shall be submitted to the Division of Water and implemented as soon as possible.

3.2.1.4 BMP - General Requirements

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.
- b. Establish specific objectives for the control of toxic and hazardous pollutants.

(1) Each facility component or system shall be examined for its potential for causing a release of "BMP pollutants" due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

(2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances which could result in a release of "BMP pollutants," the plan should include a prediction of the direction, rate of flow, and total quantity of the pollutants which could be released from the facility as result of each condition or circumstance.

- c. Establish specific Best Management Practices to meet the objectives identified under paragraph b of this section, addressing each component or system capable of causing a release of "BMP pollutants."
- d. Include any special conditions established in part b of this section.
- e. Be reviewed by plant engineering staff and the plant manager.

3.2.1.5 BMP - Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled "NPDES Best Management Practices Guidance Document," and shall include the following baseline BMPs as a minimum.

- a. BMP Committee
- b. Reporting of BMP Incidents
- c. Risk Identification and Assessment
- d. Employee Training
- e. Inspections and Records
- f. Preventive Maintenance
- g. Good Housekeeping
- h. Materials Compatibility
- i. Security
- j. Materials Inventory

3.2.1.6 BMP - SPCC Plans

The BMP plan may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Act and 40 CFR Part 151, and may incorporate any part of such plans into the BMP plan by reference.

3.2.1.7 BMP - Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with the regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall

be referenced in the BMP plan.

3.2.1.8 BMP - Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available upon request to EEC personnel. Initial copies and modifications thereof shall be sent to the following addresses when required by Section 3.2.1.3:

Division of Water
Surface Water Permits Branch
Operational Permits Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601

3.2.1.9 BMP - Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in the release of "BMP pollutants."

3.2.1.10 BMP - Modification for Ineffectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of "BMP pollutants," then the specific objectives and requirements under paragraphs b and c of Section 4, the permit, and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements. If at any time following the issuance of this permit the BMP plan is found to be inadequate pursuant to a state or federal site inspection or plan review, the plan shall be modified to incorporate such changes necessary to resolve the concerns.

3.2.2 BMP - Specific Conditions

When a construction project involving land disturbing activities occurs at the facility, the permittee will establish the number of currently permitted outfalls that will receive storm water runoff from the construction site, at the number of new outfalls to be created. Currently permitted outfalls will continue to be sampled for all required pollutants, however the limitations for Total Suspended Solids (TSS) and Total Iron will be suspended for the duration of the project. Following the completion of soil stabilization at the construction site, analysis of currently permitted outfalls will revert back to the permit conditions. During any construction period subject to the provisions of this Section, the permittee shall make a notation on its Discharge Monitoring Report(s) for each permitted outfall affected by such construction activities, indicating the occurrence of construction activities during the applicable monitoring period.

If one or more new outfalls must be created as part of a construction project, these outfalls shall be covered by the permittee's BMP Plan. The construction activities permit provisions will apply only to the drainage basins associated with the new outfall(s). If the new outfalls are not removed when the construction activity is completed, the permittee will submit an individual permit modification to incorporate the new outfalls into this individual permit.

Activities eligible for coverage under the permittee's BMP Plan shall include, but are not limited to, the following types of activities:

- Landfill cell construction
- Final cap construction
- Installation of leachate collection system

- Installation of gas collection system
- Road development and maintenance
- Erecting and renovating buildings
- Development of sedimentation basins
- Stockpiling soil, shale, rock or other materials used in the above listed activities

Activities not eligible for coverage under the permittee's BMP Plan shall include, but are not limited to, the following types of activities:

- Landfilling and composting operations
- Placement of daily, intermediate and long term cover
- Maintenance of leachate collection system
- Maintenance of gas collection system
- Bioremediation of contaminated soils

3.2.2.1 BMP - Periodically Discharged Wastewaters Not Specifically Covered By Effluent Conditions

The permittee shall include in this BMP plan procedures and controls necessary for the handling of periodically discharged wastewaters such as intake screen backwash, meter calibration, fire protection, hydrostatic testing water, water associated with demolition projects, etc.

4. STATE CONDITIONS

4.1 Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

4.2 Discharge and Monitoring Point Accessibility

As previously stated in Section 2.2.3.9 the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

5. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
µg/l	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
°F	Degrees Fahrenheit	A measure of temperature
°C	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24 Hr Composite	24 Hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24 hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.



STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

April 18, 2012

Joy C. Inman
Environmental Protection Manager
Waste Management
P.O. Box 90767
Nashville, Tennessee 37209

Re: Response to Public Comments
KPDES No.: KY0091995
AI No.: 2257
Jefferson County, Kentucky

Dear Ms. Inman:

Your comments concerning the above-referenced draft permit have been reviewed and responses prepared in accordance with Kentucky Pollutant Discharge Elimination System (KPDES) regulation 401 KAR 5:075, Section 12. The comments have been briefly described below and our responses to those comments follow:

COMMENT 1: Waste Management requested that language contained in their previous KPDES permit also be included in this reissuance. This requested language addresses various aspects related to construction activities on site:

- During construction projects involving land disturbance, those permitted stormwater outfalls receiving runoff from the construction sites shall have monitoring and/or limitations for Total Suspended Solids (TSS) and Total Iron suspended.
- New outfalls created to manage runoff from construction activities be covered by the general permit for stormwater from construction activities (KYR101379).
- Specific activities covered/not covered under the general permit for stormwater from construction activities.

RESPONSE 1: The Division of Water (DOW) updated Section 3.2.2 BMP - Specific Conditions of this permit to incorporate some of the permittee's requested changes.

- DOW agrees that the limitations placed on TSS and Total Iron should not apply during construction, however these effluent characteristics are still to be monitored and the results reported.
- The coverage previously granted to the Outer Loop Recycling and Disposal Facility under the general permit for stormwater associated with construction activities (KYR101379) was terminated in October 2010. However, the activities described can be covered under the permittee's required BMP Plan.
- The specific activities eligible for coverage under the BMP Plan have been included in this permit.

COMMENT 2: Waste Management would like language included in the permit allowing them to request a reduction in monitoring frequency at permitted outfalls.

RESPONSE 2: The specific language requested has not been included in the final permit. The permittee may request a reduction in the frequency of monitoring at any time during the term of the permit provided sufficient data is available for consideration.

RESPONSE TO COMMENTS

KPDES Permit No.: KY0091995

AI No.: 2257

Page 2

COMMENT 3: Because Outfall 029 is an instream monitoring point located upstream of the site, Waste Management is requesting that limitations for pH, TSS, and Total Iron be removed.

RESPONSE 3: DOW agrees with this request and has made the appropriate changes to the permit.

COMMENT 4: Waste Management would prefer to have references to sludges listed throughout Section 2 of this permit removed as no such sludge will be on site.

RESPONSE 4: DOW has revised the permit to remove the specified sludge references.

COMMENT 5: The permittee requested the removal of Section 2.2.4 of the permit.

RESPONSE 5: Section 2.2.4 Additional conditions applicable to existing manufacturing, commercial, mining and silvicultural discharges will remain in the final permit. This is a requirement of 40 CFR 122.42 and is applicable to all permittees and outlines reporting requirements for toxic pollutants.

Any person aggrieved by the issuance of a permit final decision may demand a hearing pursuant to KRS 224.10-420(2) within thirty (30) days from the date of the issuance of this letter. Any demand for a hearing on the permit shall be filed in accordance with the procedures specified in KRS 224.10-420, 224.10-440, 224.10-470, and the regulations promulgated thereto. The request for hearing should be submitted in writing to the Energy and Environment Cabinet, Office of Administrative Hearings, 35-36 Fountain Place, Frankfort, Kentucky 40601 and the Commonwealth of Kentucky, Energy and Environment Cabinet, Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601. For your record keeping purposes, it is recommended that these requests be sent by certified mail. The written request must conform to the appropriate statutes referenced above.

If you have any questions regarding these responses, please contact Matt Graves, Surface Water Permits Branch, at (502) 564-3410, extension 4882.

Further information on procedures and legal matters pertaining to the hearing request may be obtained by contacting the Office of Administrative Hearings at (502) 564-7312.

Sincerely,



Sandra L. Gruzesky, Director
Division of Water

SLG:JMB:msg

COPY¹



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

March 18, 2008

A permit to EXPAND AN EXISTING LANDFILL BY FILLING 66 ACRES OF WETLANDS AND RELOCATING 1600 LINEAR FEET OF WET WOODS CREEK.

At: SOUTHERN JEFFERSON COUNTY, KENTUCKY

Has been issued to: WASTE MANAGEMENT OF KENTUCKY, LLC

ADDRESS OF PERMITTEE: 2673 OUTER LOOP, LOUISVILLE, KENTUCKY 40219

Permit No 200301197

RAYMOND G. MIDKIFF
COLONEL, CORPS OF ENGINEERS
Commander and District Engineer

BY:

Lee Anne Devive
LEE ANNE DEVIVE

ACTING CHIEF, REGULATORY BRANCH
OPERATIONS DIVISION



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
<http://www.lrl.usace.army.mil/>

Exhibit 6
Page 2 of 10
COPY 7

March 18, 2008

Operations Division
Regulatory Branch (South)
ID No. 200301197

Mr. Kevin M. Mieczkowski
Waste Management of Kentucky, LLC
2673 Outer Loop
Louisville, Kentucky 40219

Dear Mr. Mieczkowski:

Enclosed is Department of the Army (DA) Permit Number 200301197 authorizing the plan to expand an existing landfill by filling 66 acres of wetlands and relocating 1600 linear feet of Wet Woods Creek in southern Jefferson County, Kentucky. Also enclosed is ENG Form 4336, "Notice of Authorization," which must be displayed at the construction site throughout construction.

Should any modification of the plans become necessary for any reason, approval from the District Engineer must be received prior to the start of the work. Copies of this letter will be sent to the appropriate coordinating agencies (see enclosure for addresses).

Sincerely,

Lee Anne Devine
Acting Chief, Regulatory Branch
Operations Division

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Waste Management of Kentucky, LLC

Permit Number: 200301197

Issuing Office: U.S. Army Engineer District, Louisville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To expand an existing landfill by filling approximately 66 acres of wetlands and relocating approximately 1600 linear feet of Wet Woods Creek.

Project Location: Northwest of the Outer Loop and I-65 intersection in Central Jefferson County, Kentucky

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on January 1, 2050. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall submit a consolidated mitigation plan for approval by the Louisville District within 90 days of permit issuance. This plan must incorporate the information contained in the September 18, 2003, application, the May 7, 2004, response to comments and the March 28, 2006, additional information and the May 3, 2007 letter regarding the mitigation plan. It must include the grading and planting plan, plant list species, mitigation monitoring plan, minimum success criteria, and maps.
2. The permittee must create/restore and preserve forested wetlands onsite and offsite in accordance with the consolidated mitigation plan noted in Special Condition 1.
3. The permittee's responsibility to complete the required compensatory mitigation set forth in Special Condition 1 and 2 will not be considered fulfilled until mitigation success has been demonstrated and written verification is received from the U.S. Army Corps of Engineers.
4. Impacts to the wetlands on the project site cannot occur until a proportionate amount of wetlands at the mitigation site have met minimal success criteria and have been released from monitoring by this office. In lieu of this, prior to impacts to the wetlands on the project site, mitigation must be provided elsewhere for these impacts at the amount required by the mitigation policies of the Louisville District at that future time.
5. Impacts to 7.45 acres of wetlands in Area 5 are an exception to Special Condition 4. However, 7.45 acres of wetlands that were previously authorized to be impacted cannot be impacted until a proportionate amount of wetlands at the Snider mitigation site have met minimal success criteria and been released from monitoring by this office.
6. The relocation of Wet Woods Creek as well as the planting of the riparian corridor adjacent to the creek must occur prior to December 31, 2009, with monitoring commencing during the first full growing season following completion of construction. Annual monitoring reports shall be submitted to the Corps by December 31st of each monitoring year.
7. The permittee shall establish deed restrictions or restrictive covenants on all existing or proposed on-site and off-site wetland restoration, creation and preservation areas prior to the final release and acceptance of the mitigation areas.
8. As each phase of the Snider Mitigation Site meets success criteria and is released from monitoring, the permittee shall establish a conservation easement on that phase. The conservation easement must be in place within 3 months of the phase being released from monitoring.
9. The permittee shall only remove trees within the project area and mitigation area between November 15 and March 31 to avoid impacts to federally listed bat species.
10. The permittee shall install and maintain adequate erosion control around all disturbed areas until such times as those areas have been stabilized and revegetated.

Further Information:

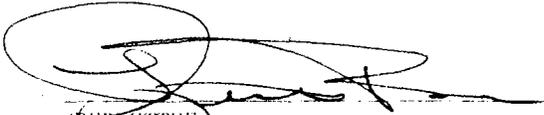
1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITEE)

01/04/08

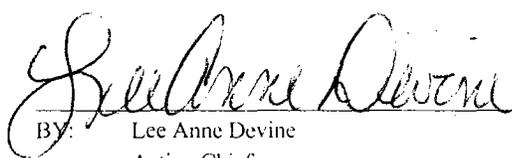
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(COMMANDER AND DISTRICT ENGINEER)

3/18/08

(DATE)



BY: Lee Anne Devine
Acting Chief
Regulatory Branch

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)

Vicinity Map

COPY

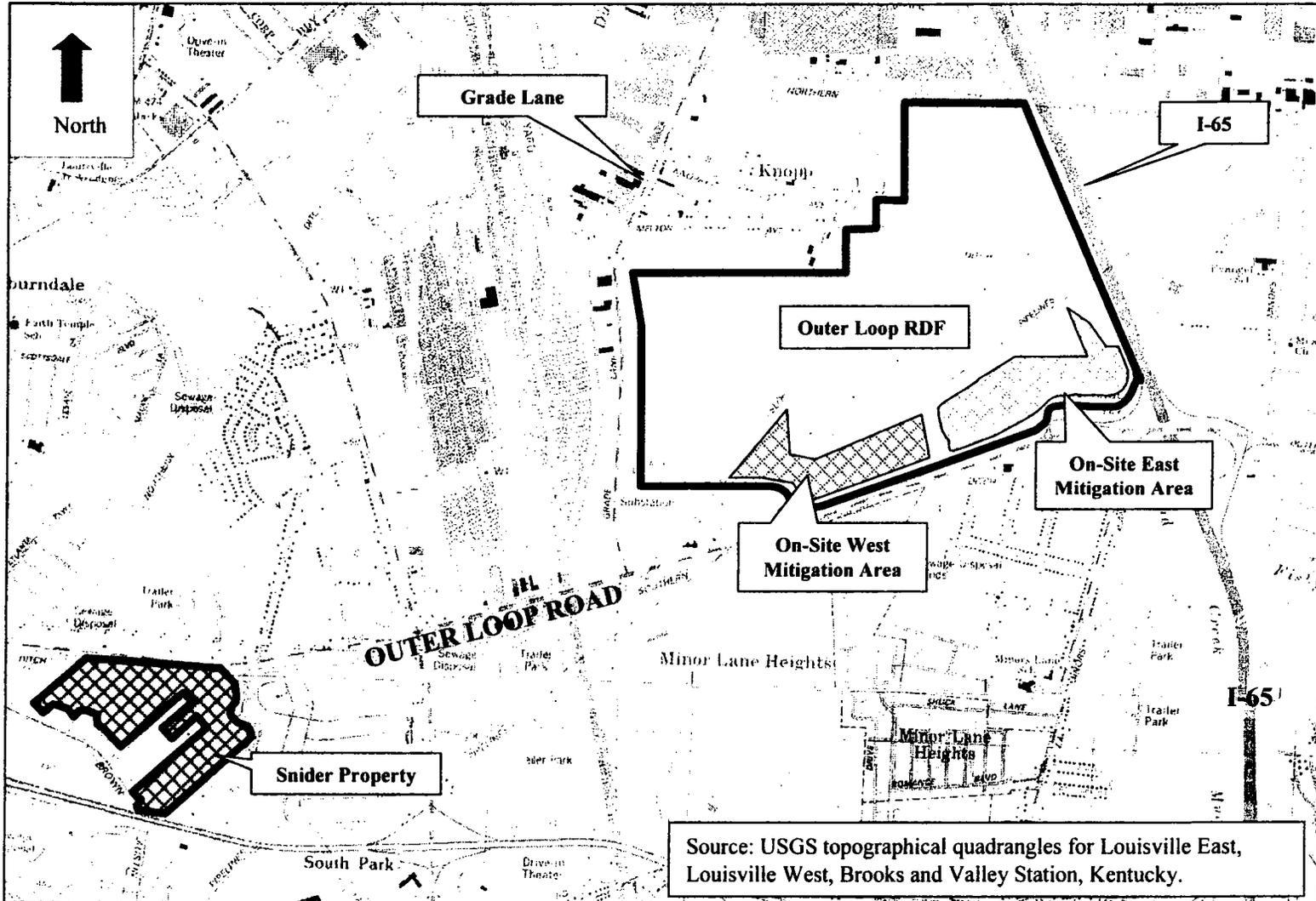


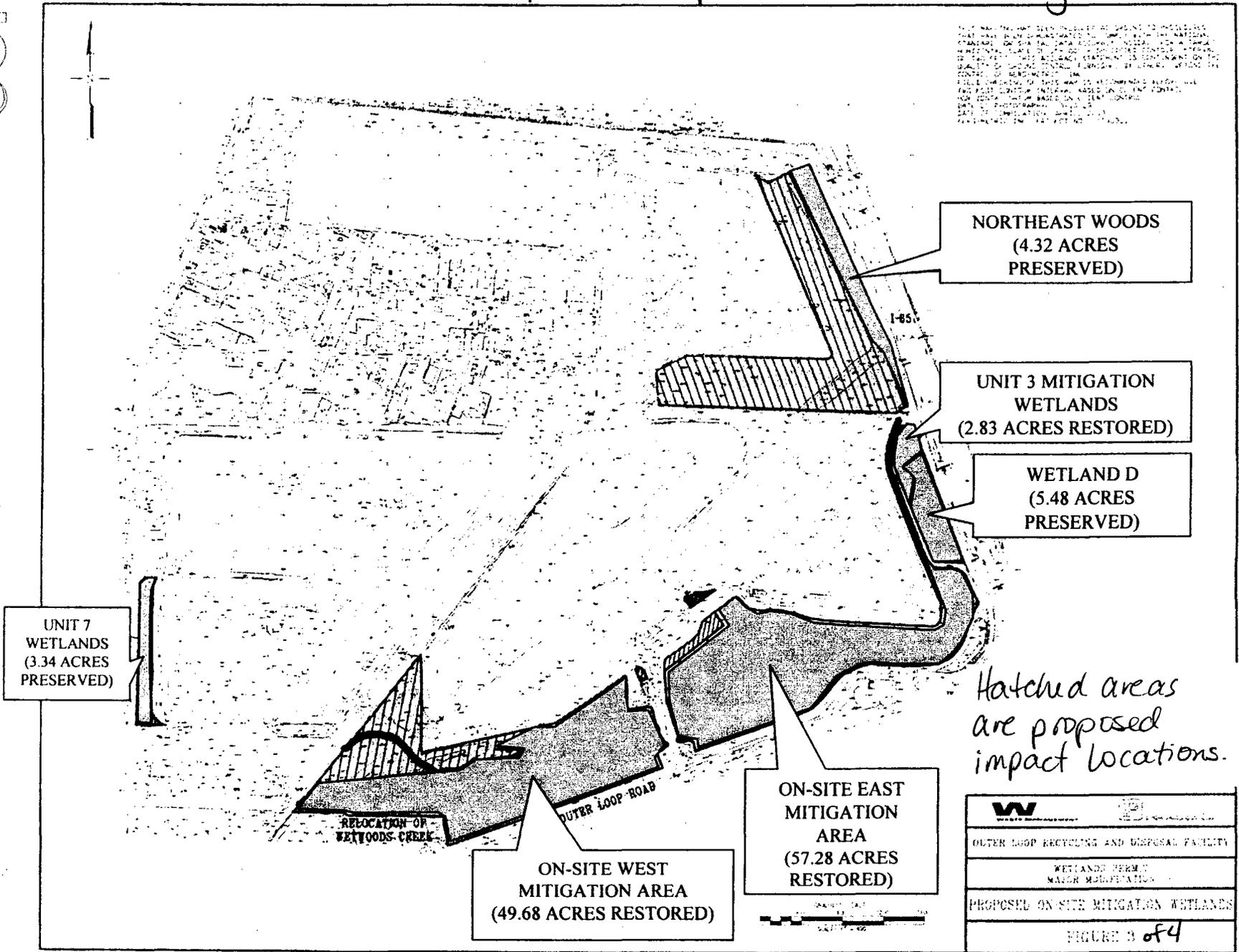
Figure 1 of 4
Outer Loop Recycling & Disposal Facility
2673 Outer Loop Road
Louisville, Kentucky

PARSONS

USACE # 200301197

Map of Proposed On Site Mitigation

COPY



USACE # 200301197

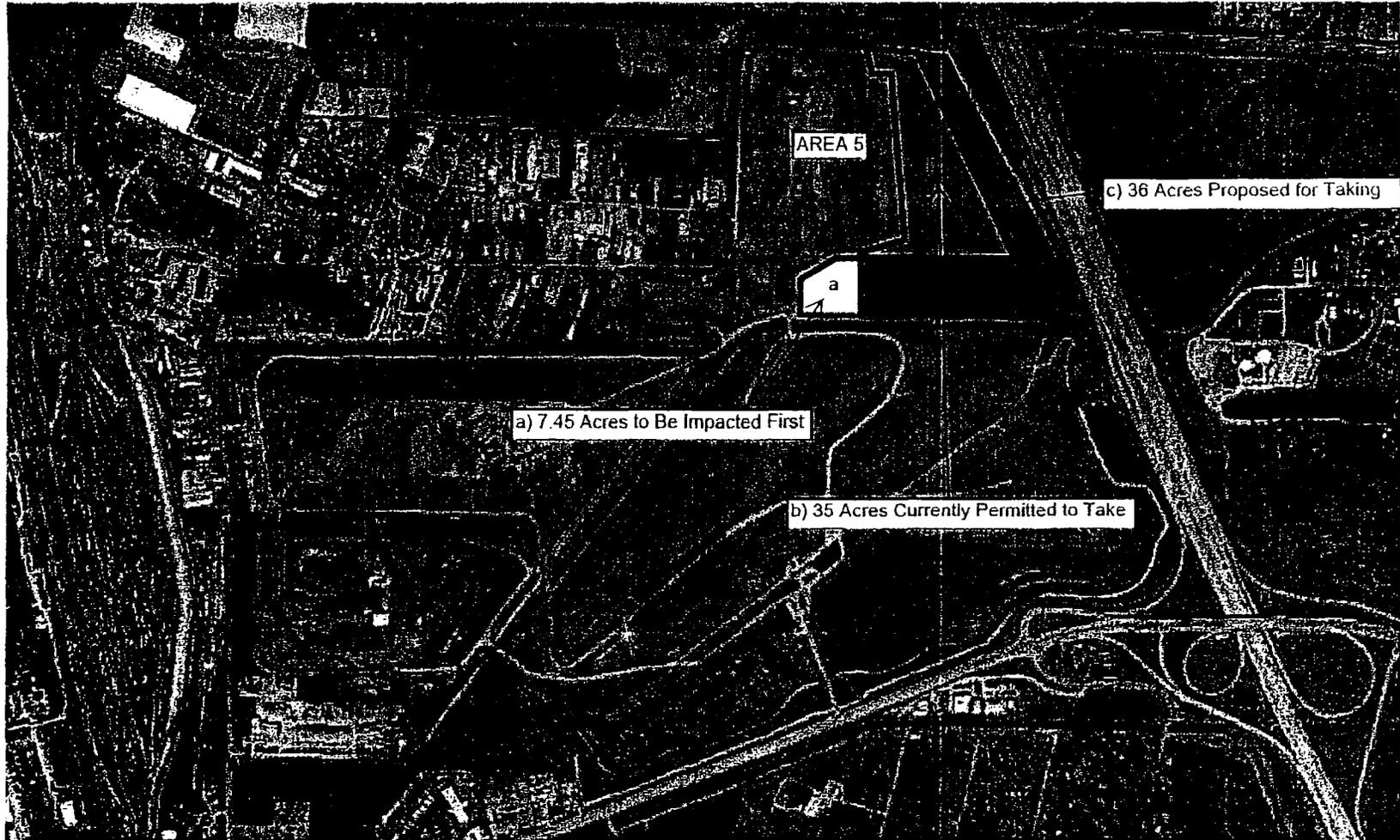


FIGURE 2
OUTER LOOP RECYCLING AND DISPOSAL FACILITY
WETLANDS PERMIT MAJOR MODIFICATION
PROPOSED SEQUENCING OF IMPACTS FOR THE
NORTHEAST WOODS

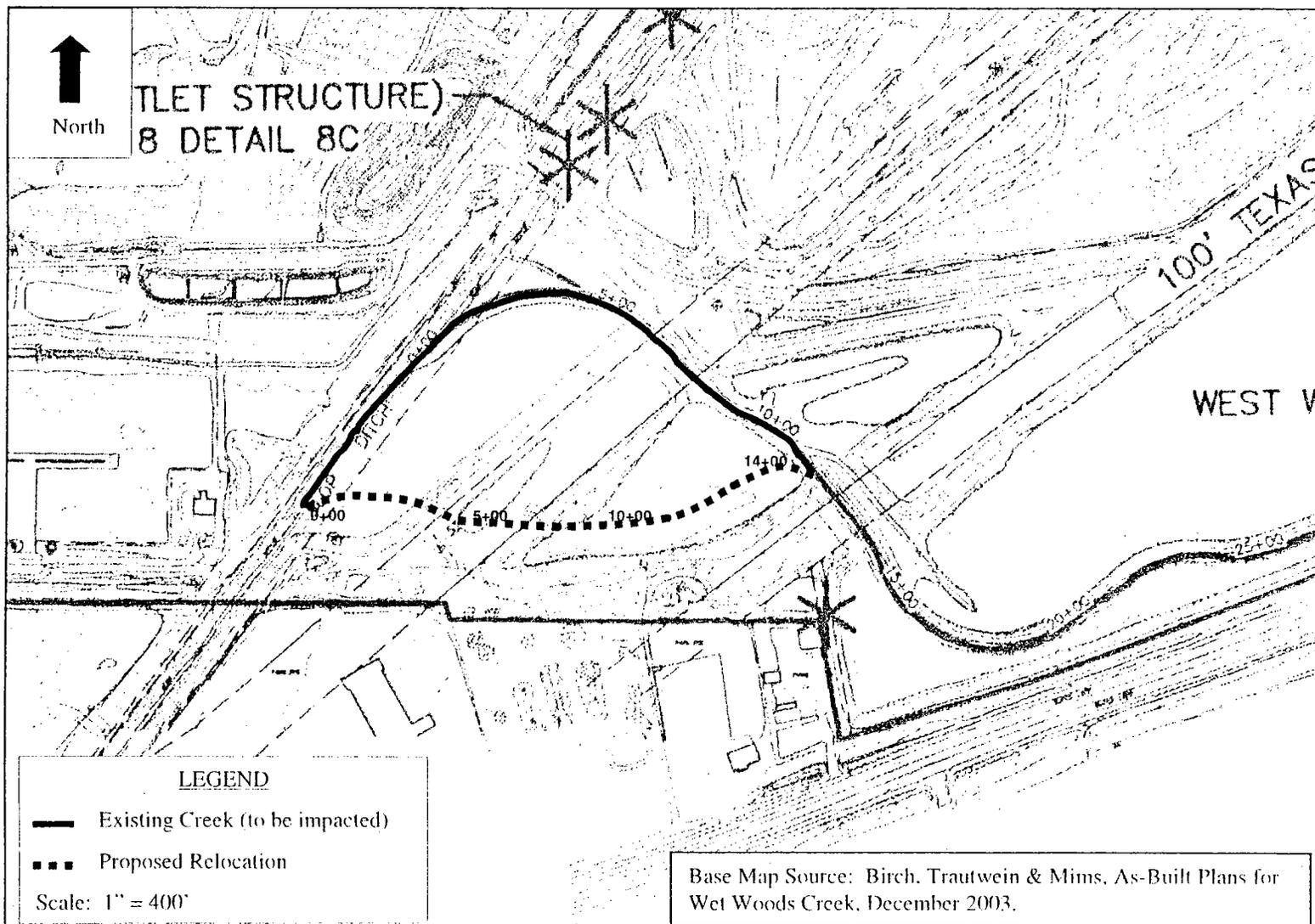


Figure 1
Wet Woods Creek Relocation – Plan View
Outer Loop RDF
Louisville, Kentucky

COPY