



MATTHEW G. BEVIN

CHARLES G. SNAVELY

**ENERGY AND ENVIRONMENT CABINET**  
**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**  
DIVISION OF WASTE MANAGEMENT  
2642 RUSSELLVILLE ROAD  
BOWLING GREEN KY 42101

AARON B. KEATLEY  
COMMISSIONER

January 3, 2017

Certified No. [7012 2920 0001 6530 7276]  
Return Receipt Requested

Big Rivers Electric Corporation  
ATTN: Mr. Bradley Coyle  
201 Third Street  
P.O. Box 24  
Henderson, KY 42419

Re: Notice of Violation  
AI ID: 3319  
AI Name: Big Rivers Electric Corp. – D B  
Wilson Station  
Activity ID: ENV 2016-0002  
Permit No. [SW 092-00004]  
Ohio County, KY

Dear Mr. Coyle:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered as the result of an O & M (Operation and Maintenance) Inspection performed at the D B Wilson Station Landfill on October 3<sup>rd</sup> through October 5<sup>th</sup> 2016. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-746-7475.

Sincerely,

E-Signed by Kevin Patrick  
VERIFY authenticity with e-Sign  


Mr. Kevin Patrick, P.G.  
[Geologist III]  
Division of Waste Management

Enclosures: DWM CEI October 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> 2016 – O & M Inspection Report;  
KY DWM Images (Wells) 10-03 through 10-05-16;  
KY DWM Images (Leachate) 10-03-16;  
Google Earth Satellite Imagery of Leachate Outbreaks;  
Analytical Summary and Comparison of Results;  
KY DWM Surface Water Analytical Results; and  
KY DWM Groundwater Analytical Results.



ENERGY AND ENVIRONMENT CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Waste Management

NOTICE OF VIOLATION

To: Big Rivers Electric Corporation – D B Wilson Station  
5663 KY Highway 85 W  
Centertown, KY 42348

AI Name: Big Rivers Electric Corp. – D B Wilson Station      AI ID: 3319      Activity ID: ENV 2016-0002  
Discovery ID: CIN 2016-0004      County: Ohio  
Enforcement Case ID:  
Date(s) Violation(s) Observed: 10/05/2016

This is to advise that you are in violation of the provisions cited below:

**1 Violation Description for Subject Item AIOO0000003319Western KY Energy Corp - Wilson Station Island(Agency Interest #3319):**

No waste site or facility shall: Cause a discharge of pollutants into waters of the Commonwealth, including wetlands, that violate any requirements of KRS Chapter 224, or the surface water standards of 401 KAR Chapter 5 or 8. [401 KAR 30:031 Section 4(1)]

**Description of Non Compliance:**

During this inspection, I observed leachate seeping from multiple outbreaks along an approximately 500-foot section of the perimeter of the northeast portion of the Phase I Waste Area.

As I walked north parallel to the perimeter of the waste disposal area, the quantity of leachate in the adjacent storm-water ditch-line increased and I noted that the accumulated leachate was flowing north/northeastward into a sediment pond associated with KPDES Outfall 002.

The leachate was dark black in color and had a very pronounced unpleasant odor. I also noted several areas in the leachate outbreak zone showing a white mineral precipitate.

Chlorides and Total Metals samples were collected from the uppermost part of the sediment pond (instead of directly from a seep or the ditch-line) in order to reduce the amount of sediment incorporated within the sample.

Arsenic was detected in the surface water sample at 9,810 µg/L, which is more than 980 times the US EPA MCL of 10 µg/L. Additionally, antimony was detected in the surface water sample at 73.0 µg/L, which exceeds the US EPA MCL of 6 µg/L. Chlorides (490 mg/L) and molybdenum (1,300 µg/L) also appeared to be elevated above naturally-occurring background levels.

Based on a review of Big Rivers Electric Corporation's file, an NOV was issued to the facility by Division of Enforcement Director Mr. Jeff Cummins on 11-22-16 for an exceedance of the KPDES limit for arsenic at Outfall 002 during August 2016 - arsenic was detected at 381 µg/L, which exceeded the permitted limit of 340 µg/L.

Additionally, arsenic nearly exceeded the KPDES limit at Outfall 002 during January 2016 – arsenic was detected at 333 µg/L, which is just below the KPDES limit of 340 µg/L.

Because Big Rivers Electric Corporation exceeded the KPDES discharge limit for arsenic at Outfall 002 during August 2016, this is a violation of KY Regulation 401 KAR 30:031, Section 4(1).

**The remedial measure(s), and date(s) to be completed by are as follows:**

Submit a written Leachate Remediation Plan to the Solid Waste Branch (with a copy submitted to my attention at the Bowling Green Regional Office) within 30 days of receipt of this Notice of Violation stating all steps that either have been taken or will be taken to remediate the leachate outbreak and prevent additional exceedances of the KPDES limit for arsenic at Outfall 002. [401 KAR 30:031 Section 4]

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Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

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If you have questions or need further information, write or call the undersigned:

Division of Waste Management  
Bowling Green Regional Office  
2642 Russellville Rd  
Bowling Green, KY 42101  
270-746-7475 (9:00 AM – 5:00 PM)  
Mr. Kevin Patrick, P.G. [Geologist III]



E-Signed by Kevin Patrick  
VERIFY authenticity with e-Sign

James K. Patrick

Issued By:

Mr. Kevin Patrick, P.G. [Geologist III]

Date: December 29, 2016

How Delivered:

[Certified US Mail] Certified/Registered # [7012 2920 0001 6530 7276]