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Honorable Members of the House Natural Resources & Energy Committee,

My name is Audrey Ernstberger, I am a staff attorney and lobbyist for Kentucky Resources Council (KRC). For those of you who aren't familiar, KRC is a non-profit and nonpartisan group of lawyers, policy experts, and advocates working for environmental quality, justice, and health across the Commonwealth. I'm contacting you to express reservations about HB478 and request that you vote 'no' in committee.

HB478 would allow the doubling in size of one-acre off-site construction and demolition debris landfills (CDD landfill) provided it meets the permitting requirements for the initial landfill. We are deeply concerned that expanding the size of CDD landfills that lack liners and groundwater monitoring could lead to more groundwater pollution within surrounding communities, and expanding an exception that was never intended to support commercial CDD landfills.

The current construction standards for CDD landfills that are under one-acre are notably less protective than landfills of greater than one-acre that accepts the same types of wastes. Smaller CDD landfills are allowed to operate without important safeguards, such as liners, leachate collection systems, and surface and groundwater monitoring that are required for larger CDD landfills disposing of the same types of waste. The potential for contamination from leachate containing lead and other pollutants of concern doesn't begin at 1.1 acres or end at .9 acres, and so the one-acre cutoff is entirely arbitrary and unrelated to the potential for off-site contamination. Expanding this arbitrary distinction doubles the risk of inadequate management of CDD waste to two-acre sites instead of on one-acre sites.

Expanding the smaller CDD landfills to two-acre sites poses a potential threat to the environmental wellbeing and human health of the surrounding communities. Although CDD landfills are intended for nonhazardous and non-soluble materials, studies reveal the presence of concerning chemicals that can be detrimental to both human and environmental health.¹ These contaminants include: organic chemicals like polycyclic aromatic hydrocarbons, polychlorinated biphenyls, and brominated flame retardants.² Exposure to CDD materials has been linked to carcinogenicity, liver and kidney damage, cumulative damage, neurological disorders, and fetal damage.³ Another example, CDD landfill materials can

¹ Molla AS, Tang P, Sher W, Bekele DN. CHEMICALS OF CONCERN IN CONSTRUCTION AND DEMOLITION WASTE FINE RESIDUES: A SYSTEMATIC LITERATURE REVIEW. *J Environ Manage*. 2021 Dec 1;299:113654. doi: 10.1016/j.jenvman.2021.113654. Epub 2021 Sep 2. PMID: 34482107. <https://pubmed.ncbi.nlm.nih.gov/34482107/>

² *Id.*

³ *Id.*

include concrete washout water, a slurry containing toxic heavy metals that is both caustic and corrosive, with a pH near 12, posing a significant threat to the health surrounding ecosystems.⁴

The less-than one-acre CDD landfill category was created during the solid waste reforms of the early 1990's as an "off-ramp" for limited disposal of demolition and construction debris. It was never intended to allow commercial operation of a series of smaller CDD landfills lacking the design protections of their larger counterparts, nor to disadvantage larger CDD operations that paid for installation of liners, groundwater monitoring, and other protections of offsite land and water resources.

Given the gravity of these concerns, we implore you to vote 'no' on HB478 during committee proceedings.

Respectfully yours,



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⁴ STORMWATER BEST MANAGEMENT PRACTICE: CONCRETE WASHOUT. Environmental Protection Agency. EPA-833-F-11-006 (2012). <https://www3.epa.gov/npdes/pubs/concretewashout.pdf>