

CHAPTER 113

(HB 478)

AN ACT relating to construction or demolition waste disposal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 224.40-120 is amended to read as follows:

- (1) The cabinet shall ~~not~~ permit the off-site disposal of construction or demolition waste at a site *initially no larger* ~~less~~ than one (1) acre ~~if~~ ~~unless~~, as a minimum, the following conditions are imposed:
 - (a) The applicant shall provide a written certification that a copy of the application has been delivered to the governing body of the solid waste management area and that disposal of construction and demolition waste at the proposed site will not violate local land use regulations;
 - (b) Disposal shall only occur during daylight hours in accordance with a posted schedule that will allow inspection by local or state officials;
 - (c) The applicant shall erect on the site a sign clearly indicating that the site is permitted for disposal of construction and demolition debris only, and the operating hours shall appear on the sign along with the applicant's permit number;
 - (d) The cabinet shall establish a schedule for closing and covering the site, including provisions for intermediate cover when flammable waste is involved;
 - (e) Notwithstanding any other provision of law, the applicant shall not allow the disposal of tires in a waste disposal facility regulated by this section; and
 - (f) The cabinet shall require the applicant to post a bond in the amount of ten thousand dollars (\$10,000) to ~~ensure~~ ~~insure~~ compliance with the conditions of the permit.
- (2) *Upon request of the applicant, the cabinet may increase the size of a construction or demolition waste site permitted under subsection (1) of this section to a total of no more than two (2) acres if the applicant:*
 - (a) *Is compliant with all permit requirements for the currently permitted construction or demolition waste disposal site; and*
 - (b) *Complies with the requirements of subsection (1) of this section with regard to the additional permitted waste site area, including posting an additional bond with the cabinet in the amount of ten thousand dollars (\$10,000) to ensure compliance with the conditions of the permit for the newly permitted area.*
- (3) The cabinet may waive the requirement of subsection (1)(b) of this section, that the hours of operation shall be posted, and the requirements of subsection (1)(c) and (d) of this section, if the cabinet determines that the area of land to be affected, the limited duration of the disposal operation, or the materials to be disposed of do not require imposition of these standards to assure the safety of the public.
- ~~(4)~~~~(3)~~ This section shall not apply to beneficial reuse of industrial solid waste.

Became law without Governor's signature April 6, 2024.