Sections 1, 2, and 3 of this administrative regulation establish remedies for solid waste and hazardous waste violations.

Section 1. Modification, Suspension, and Revocation of a Permit. (1) The cabinet may modify, suspend, or revoke a permit issued under 401 KAR Chapters 30 through 47 for:
   (1) Violation of any requirement of KRS Chapter 224 or the respective administrative regulations promulgated pursuant thereto.
   (2) Aiding, abetting, or permitting the violation of any provisions of 401 KAR Chapters 30 through 47.
   (3) Any action or omission associated with maintenance and operation of the facility that could or does create a threat to public health or the environment.
   (4) Violations of a condition or a variance of the hazardous waste site or facility permit or a solid waste site or facility permit.
   (5) Misrepresentation or omission of a significant fact by the operator either in the application for the permit or in information subsequently reported to the cabinet.
   (6) Failure to comply with an order issued by the cabinet.

Section 2. Order for Discontinuance, Abatement, or Alleviation. The secretary may, when he finds after investigation that it would be prejudicial to the interests of the people of the state to delay action, issue an order for discontinuance, abatement, or alleviation of a condition or activity without prior hearing as provided in KRS 224.10-410.

Section 3. Discontinuance of a Permit. (1) The secretary may order the discontinuance of a permit prior to any hearing when he determines such action is necessary to protect public health and safety and the environment from imminent danger.
   (2) The secretary, or his authorized designee, shall notify the owner or operator of the hazardous waste site or facility or of the solid waste site or facility of the discontinuance and the effective date thereof and, at the same time, shall provide the owner or operator with an explanation for the basis of the discontinuance.
   (3) The owner or operator shall take prompt action to correct the deficiencies cited by the cabinet.
   (4) The suspension shall remain in effect until the deficiencies are corrected to the satisfaction of the cabinet or until the cabinet makes a final determination based on the outcome of a hearing held in accordance with the requirements of KRS 224.10-410. The determination may result in termination of the order, suspension, or modification of the permit, or revocation of the permit.
Section 4. Petition for Reinstatement. An owner or operator whose permit has been suspended or revoked may petition the cabinet for reinstatement after thirty (30) days or more have elapsed from the effective date of the suspension or revocation or from the date of the denial of a similar petition or immediately after the conditions of Section 3(4) of this administrative regulation have been met. (6 Ky.R. 479; 666; eff. 6-4-1980; Recodified from 401 KAR 2:065, Sections 4, 6 and 7, eff. 3-1-1983; 10 Ky.R. 165; eff. 12-2-1983; Crt eff. 10-9-2018.)