

ENERGY AND ENVIRONMENT CABINET
Department Of Environmental Protection
Division Of Waste Management
(Amendment)

401 KAR 48:320. Operating requirements for less than one (1) acre or expanded less than two (2) acre construction or ~~for~~ demolition debris landfills.

RELATES TO: KRS 224.01-010, 224.10-100, 224.10-105, 224.40-100, 224.40-110, 224.40-120, 224.40-305, 224.40-310, 224.40-315, 224.40-320, 224.40-325, 224.40-330, 224.40-340, 224.40-605, 224.40-650, 224.43-010, 224.43-020, 224.43-070, 224.43-310, 224.43-315, 224.43-330, 224.43-340, 224.43-345, 224.43-350, 224.70-100, 224.70-110, 224.99-010, 224.99-020

STATUTORY AUTHORITY: KRS 224.10-100(19)(c) and ~~;~~ (24), 224.40-100, 224.40-120, 224.40-305, 224.40-330, 224.40-605

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(19)(c) and ~~;~~ (24), 224.40-120, 224.40-305, 224.40-330, and 224.40-605 authorize the cabinet to promulgate administrative regulations for the management, processing, and disposal of wastes. KRS 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This administrative regulation establishes the technical requirements for less than one (1) acre or expanded less than two (2) acre construction or ~~for~~ demolition debris landfills.

Section 1. Applicability. This administration regulation shall apply ~~applies~~ to owners and operators of less than one (1) acre or expanded less than two (2) acre construction or ~~for~~ demolition debris landfills. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~for~~ demolition debris landfill shall operate the facility in accordance with the requirements of this administrative regulation.

Section 2. Requirement to Obtain a Registered Permit-by-rule. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~for~~ demolition debris landfill shall not begin construction or accept waste until the registered permit-by-rule for the facility has become effective as established ~~specified~~ in 401 KAR 47:110.

Section 3. Construction Requirements. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~for~~ demolition debris landfill located inside a wellhead protection area, as defined by ~~in~~ 401 KAR 5:002, Section 1, shall construct and maintain a liner and leachate collection system.

(1) The liner shall:

(a) Be constructed of soil:

1. With a minimum thickness of twelve (12) inches; and
2. That includes a low permeability soil component with a minimum of twelve (12) contiguous inches of 1×10^{-7} centimeters per second maximum permeable material, or its equivalent; and

(b) Cover the bottom and sidewalls of the facility, with the bottom liner sloped toward a leachate collection system that complies with subsection (3) of this section.

(2) A professional engineer, licensed in Kentucky pursuant to KRS 322.040, shall supervise ~~oversee~~ the design and installation of the liner, including moisture and density tests, and shall certify that the liner meets the compaction requirements. The certification shall be submitted to the cabinet within ten (10) days of completion of the liner.

(3) The leachate collection system shall:

- (a) Have a minimum of a twelve (12) inch layer of gravel, or a layer of equivalent performance, and a toe-drain; and

- (b) Be discharged into a collection tank with a minimum capacity of 1000 gallons.
- (4) A professional engineer licensed in Kentucky, pursuant to KRS 322.040, shall ~~supervise~~~~oversee~~ the design and installation of the leachate collection system, and shall certify that the collection tank meets the capacity requirement. The certification shall be submitted to the cabinet within ten (10) days of completion of the liner.

Section 4. Operating Requirements.

(1) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill shall comply with ~~the following operating requirements~~:

- (a) The environmental performance standards of 401 KAR 30:031;
- (b) The siting requirements of 401 KAR 48:050, Sections 1 through ~~2, and~~ 3;
- (c) The liner and a leachate collection system as established~~specified~~ in Section 3 of this administrative regulation, if the landfill is to be located in a wellhead protection area;
- (d) The groundwater protection plan requirements of 401 KAR 5:037;
- (e) The requirements of KRS 224.40-120;
- (f) The operator certification requirements established pursuant to KRS 224.40-605; and
- (g) The annual report requirement of 401 KAR 47:110, Section 2(3).

(2) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill shall:

- (a) Dispose only of construction or ~~demolition~~ waste or construction material as defined by ~~in~~ 401 KAR 48:005, Section 1(18);
- (b) Not dispose of electrical fixtures containing hazardous liquids, such as fluorescent light ballasts or transformers;
- (c) Properly dispose of any non-construction or ~~demolition~~ debris landfill waste at a properly permitted disposal facility;
- (d) During operation clearly delineate the horizontal boundary with slats, stakes, or other types of easily identifiable permanent markers to show that the constructed boundary is within the permitted boundary;
- (e) Install silt fencing, hay bales, or other appropriate best management practices to prevent sediment from leaving any area disturbed by construction, including stockpiled soil and borrow pit areas. The sediment controls shall be kept in good operating order;
- (f) Only accept waste from sources listed in the registration and approved by the cabinet. Wastes may be added by submitting a revised registration pursuant to 401 KAR 47:110, Section 3(3);
- (g) Place the waste in layers, two (2) feet thick or smaller, and compact each layer thereafter;
- (h) Cover each ten (10) foot lift with a minimum of six (6) inches compacted soil;
- (i) Maintain a buffer zone of 750 yards from any other less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill permitted boundary;
- (j) Remove landfill debris, mud and waste from off-site roadways; ~~and~~
- (k) Limit the ~~The~~ maximum capacity of a less than one (1) acre construction ~~or~~ ~~and~~ ~~demolition~~ debris landfill ~~shall~~ not to exceed 40,000 cubic yards of waste; ~~and~~ ~~and~~
- (l) Limit the maximum capacity of a less than one (1) acre construction or demolition debris landfill that has been expanded to a less than two (2) acre construction or demolition debris landfill not to exceed a total combined volume of 110,000 cubic yards of waste.

(3) Interim cover period. The owner or operator:

- (a) Shall place interim soil cover in a manner to eliminate protruding waste over an area that will not receive at least twelve (12) cubic yards of waste within ninety (90) calendar days of the last waste placement;
- (b) Shall not have more than one (1) acre of exposed waste at any given time;
- (c) Shall not remove the interim cover until the day of waste placement;
- (d) Shall place, compact, and grade the interim cover to promote positive drainage; and
- (e) Shall apply temporary erosion controls at the time of placing interim cover.

Section 5. Closure Requirements. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill shall close the facility as established in the section.~~follows:~~

(1) The landfill shall be covered with a soil cap, two (2) feet thick, and the entire disturbed area shall be vegetated within thirty (30) days of ceasing to accept waste. The cabinet may approve an alternative cover of equivalent performance proposed by the owner or operator.

(a) The vegetation shall consist of:

- 1. A minimum of two (2) legumes;
- 2. One (1) annual grass; and
- 3. One (1) perennial grass, in sufficient poundage to provide at least ninety (90) percent ground coverage for the disturbed area.

(b) The grass seed shall be covered with at least one and one-half (1.5) tons of straw mulch or an alternative that delivers equivalent performance per acre.

(c) The straw mulch or its alternative shall be stabilized with netting on slopes that exceed fifteen (15) percent.

(d) The final cap shall have a slope of between five (5) percent and twenty-five (25) percent upon completion of the final grading.

(2) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill shall record a notice, with the property deed, on which the less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill is located. The notice shall notify, in perpetuity, any potential purchaser of the property of the landfill's location and dates of operation, the nature of the waste disposed, and impose a restriction against any disturbance of the cap. The notice shall be recorded in accordance with KRS Chapter 382 and proof of recording shall be submitted to the cabinet prior to the cabinet's approval of closure.

(3) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill shall, upon completion of closure of the facility, contact the cabinet for a closure inspection and release of the bond, described in 401 KAR 48:310.

(4) Closure shall be completed no later than thirty (30) days after final~~last~~ receipt of waste.

Section 6. Corrective Action Requirements. If the cabinet determines that a threat to human health, safety, or the environment exists, the owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition~~ debris landfill shall conduct corrective action in accordance with 401 KAR 48:300, Section 8. The owner or operator shall certify to the cabinet that corrective action has been completed in accordance with this section. The cabinet shall determine that corrective action has been completed before releasing the bond.

*JOHN LYONS, Deputy Secretary
For REBECCA GOODMAN, Secretary*

APPROVED BY AGENCY: September 13, 2024

FILED WITH LRC: September 13, 2024 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2024, at 10:00 a.m. Eastern Standard Time. The public hearing can be accessed at the following website address: <https://us05web.zoom.us/j/81334701532?pwd=eWjHA2kpT9I6PWurOirAnFpuYads2k.1> using access code M00m5c. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Tyler.Shields@ky.gov or mail this information to Tyler Shields, Department for Environmental Protection, Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601. Please put “401 KAR 48:320” as the subject line, and state in the body of the message if you plan to speak during the hearing. Individuals interested in being heard at this hearing shall register to speak by November 14, 2024. If no one registers to speak by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2024. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing, may be made to the contact person at least five (5) workdays prior to the hearing.

CONTACT PERSON: Tyler Shields, Environmental Control Supervisor, Department for Environmental Protection, Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 782-5325, fax (502) 564-4245, email Tyler.Shields@ky.gov (Subject line: “401 KAR 48:320”).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Tyler Shields

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the technical requirements for less than one (1) acre construction or demolition debris landfills and expanded less than two (2) acre construction or demolition debris landfills.

(b) The necessity of this administrative regulation:

KRS 224.10-100(19)(c) and (24), 224.40-120, 224.40-305, 224.40-330 and 224.40-605 authorize the Cabinet to promulgate administrative regulations for the management, processing and disposal of wastes. KRS 224.40-120 establishes requirements for allowing off-site disposal of construction or demolition waste at sites initially no larger than one acre and requirements for increase of size of site to no more than two acres. KRS 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. KRS 224.40-330 establishes disclosure of background information and effects on permit, exemptions, and the Cabinet's authority to establish other grounds. KRS 224.40-650 establishes the forfeiture to solid waste disposal site restoration fund. This administrative regulation establishes the technical requirements for less than one (1) acre construction or demolition debris landfills and expanded less than two (2) acre construction or demolition debris landfills.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 224.10-100(19)(c) and (24), and 224.40-305 authorize the Cabinet to promulgate administrative regulations for the management, processing, and disposal of wastes. KRS 224.40-120 establishes requirements for allowing off-site disposal of construction or demolition waste at sites initially no larger than one acre and requirements for increase of size of site to no more than two acres. KRS 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by establishing the technical requirements for less than one (1) acre construction or demolition debris landfills or expanded less than two (2) acre construction or demolition debris landfills.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendments will change multiple sections of the existing administrative regulation. The title of the administrative regulation is amended to include expanded less than two (2) acre construction or demolition debris landfills in accordance with KRS 224.40-120. All sections of the administrative regulation are being amended to include language referencing expanded less than two (2) acre construction or demolition debris landfills. Section 4 of this administrative regulation is being amended to include a maximum volume capacity of waste for a less than one-acre construction or demolition debris landfill that has been expanded to a less than two-

acre construction or demolition debris landfill. Additionally, Section 4 of this administrative regulation is being amended to include interim cover requirements for less than one-acre construction or demolition debris landfills or expanded less than two-acre construction or demolition debris landfills. Section 5(4) of this administrative regulation is being amended to clarify closure procedures for the final receipt of waste. The administrative regulation was amended throughout in accordance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation:

Amendments to this administrative regulation are necessary to comply with amendments to KRS 224.40-120 during the 2024 Regular Session, which added requirements for less than one-acre construction or demolition debris landfills that apply for an increase of size of site to no more than two (2) acres. Additionally, amendments for the requirement of interim cover were necessary to assist in compliance with 401 KAR 30:031.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 224.10-100(19)(c) and (24), and 224.40-305 authorize the Cabinet to promulgate administrative regulations for the management, processing, and disposal of wastes. KRS 224.40-120 establishes requirements for allowing off-site disposal of construction or demolition waste at sites initially no larger than one acre and requirements for increase of size of site to no more than two acres. KRS 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit.

(d) How the amendment will assist in the effective administration of the statutes:

The amendments to the administrative regulation will allow the division to implement and enforce requirements for allowing off-site disposal of construction or demolition waste at sites initially no larger than one acre and requirements for increase of size of site to no more than two acres.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect existing and new owners or operators of a less than one-acre construction or demolition debris landfill, as well as any existing owners or operators that expand to a less than two-acre construction or demolition debris landfill. Currently the Cabinet oversees eighty-two (82) less than one-acre construction or demolition debris landfills. The interim cover requirements will only apply to new owners or operators of less than one-acre construction or demolition debris landfills, as well as any existing owners or operators of less than one-acre construction or demolition debris landfills that submit a modification to their register permit-by-rule to expand to a less than two-acre construction or demolition debris landfill. Additionally, the administrative regulation will affect any local government or municipality that have a less than one-acre construction or demolition debris landfill or an expanded less than two-acre construction or demolition debris landfill within their jurisdiction. Landowners where the specified facility is located or is proposed to be located will also be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The entities identified will have to comply with the technical requirements for a less than one-acre construction or demolition debris landfill or an expanded less than two-acre construction or demolition debris landfill as established in this administrative regulation. The interim cover requirements will only apply to new owners or operators of less than one-acre construction or demolition debris landfills, as well as any existing owners or operators of less than one-acre construction or demolition debris landfills that submit a modification to their register permit-by-rule to expand to a less than two-acre construction or demolition debris landfill.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The Cabinet estimates the amended interim cover requirements within this administrative regulation equates to roughly \$1,800/acre for every six (6) inches of depth or \$3,600/acre for every twelve (12) inches of depth. Pursuant to 401 KAR 47:090, applicants registering for a less than one-acre construction or demolition debris landfill are required to submit a registration fee of \$4,500, as well as an annual permit renewal fee of \$300, \$500, or \$1,000, dependent on the facilities tonnage of waste received annually. Pursuant to KRS 224.40-120, applicants registering for a less than one-acre construction or demolition debris landfill are required to post a \$10,000 as financial assurance. Additionally, any existing less than one-acre construction or demolition debris landfill that submits a modification to their registered permit-by-rule will be required to pay a \$4,500 modification fee, pursuant to 401 KAR 47:090. An entity requesting an expansion in capacity to a less than two-acre construction or demolition debris landfill is required post an additional \$10,000 bond pursuant to KRS 224.40-120.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Pursuant to KRS 224.40-120 and this administrative regulation, less than one-acre construction or demolition debris landfill entities will be able to request an expansion to a less than two-acre construction or demolition debris landfill, doubling their capacity for disposal. As a result of compliance with this administrative regulation, registrants are certified to own and operate a less than one-acre construction or demolition debris landfill or an expanded less than two-acre construction or demolition debris landfill.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

The agency will not incur any initial costs for the implementation of this administrative regulation as this program is already established within the Solid Waste Branch of the Division of Waste Management.

(b) On a continuing basis:

The agency will not incur any additional costs for the implementation of this administrative regulation as this program is already established within the Solid Waste Branch of the Division of Waste Management.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

This administrative regulation utilizes the General Fund (0100) to pay the Division of Waste Management personnel template (AP0175/AP0179).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

While this administrative regulation package does not establish new fees, this administrative regulation has existing indirect fees for registration, modification, and annual permit renewal of a less than one-acre construction or demolition debris landfills registered permit-by-rule as established in 401 KAR 47:090. Pursuant to KRS 224.40-120, the owner or operator of a less than one-acre construction or demolition debris landfill is required to post a \$10,000 bond. Pursuant to KRS 224.40-120, the owner or operator of a less than one-acre construction or demolition debris landfill requesting an expansion to a less than two-acre construction or demolition debris landfill is required post an additional \$10,000 bond.

(9) TIERING: Is tiering applied?

No. This administrative regulation establishes the technical requirements for less than one-acre construction or demolition debris landfills or expanded less than two-acre construction or demolition debris landfills.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

40 CFR Part 257 describes the criteria for classification of solid waste disposal facilities and practices excluding municipal solid waste landfill units, under authority of 42 U.S.C. 6907(a)(3), 6912(a)(1) and (d); 33 U.S.C. 1345(d) and (e).

(2) State compliance standards.

KRS 224.40-100(19)(c), (24), 224.40-100, 224.40-120, 224.40-305, 224.40-330, and 224.40-605.

(3) Minimum or uniform standards contained in the federal mandate.

40 CFR Part 257 Subpart A describes classifications of solid waste disposal facilities and practices, while 40 CFR Part 257 Subpart B sets disposal standards for the receipt of very small quantity generator waste at non-municipal non-hazardous waste disposal units. Pursuant to this administrative regulation amendment package, 40 CFR 248.2 defines construction and demolition (C&D) landfills, subject to the requirements in part 257, subparts A and B. Only construction and demolition landfills that meet the requirements of 40 CFR Part 257, subpart B may receive very small generator waste (defined in 40 CFR 260.1).

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This administrative regulation is broader in scope as it establishes the technical requirements for less than one-acre construction or demolition debris landfills and expanded less than two-acre construction or demolition debris landfills. Solid waste disposal, including nonhazardous industrial waste, is overseen by the states.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

This administrative regulation is broader in scope as it establishes the technical requirements for less than one-acre construction or demolition debris landfills and expanded less than two-acre construction or demolition debris landfills. Solid waste disposal, including nonhazardous industrial waste, is overseen by the states.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 224.40-100(19)(c) and (24), 224.40-100, 224.40-120, 224.40-305, 224.40-330, and 224.40-605 and 40 CFR Part 257, Subparts A and B.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures:The Cabinet estimates current program expenditures to total \$623,095.

Revenues:The Cabinet estimates the revenue generated from annual permit renewal fees for existing less than one-acre construction or demolition debris landfills, pursuant to 401 KAR 47:090, to total \$47,750. An additional source of revenue is generated from registration and modification fees for a registered permit-by-rule, established in 401 KAR 47:090. The registration or modification fees for less than one-acre construction or demolition debris landfills is \$4,500.

Cost Savings:The Cabinet does not anticipate any cost savings for the program.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The Cabinet does not anticipate the expenditures, revenues, or cost savings to differ in subsequent years. It should be noted that registration and modification fee submissions fluctuate pursuant to new applicants and requests for modification which could potentially impact revenues generated by this program.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local entities that will be affected by this administrative regulation include any local municipality that owns or operates a less than one-acre construction or demolition debris landfill or an expanded less than two-acre construction or demolition debris landfill.

(a) Estimate the following for the first year:

Expenditures:The Cabinet estimates the amended interim cover requirements within this administrative regulation equates to roughly \$1,800/acre for every six (6) inches of depth or \$3,600/acre for every twelve (12) inches of depth. Pursuant to KRS 224.40-120 an owner or operator of a less than one-acre construction or demolition debris landfill registered permit-by-rule are required to submit an additional \$10,000 bond for the additional acre. Additionally, should the local entities apply for an expansion to a less than two-acre construction or demolition debris landfill, entities will be required to post an additional \$10,000 bond pursuant to KRS 224.40-120.

Revenues:Revenues for local entities cannot be estimated by the Cabinet.

Cost Savings:Pursuant to 401 KAR 47:090, publicly owned facilities are not required to pay indirect registration and modification fees associated with this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The Cabinet does not anticipate the expenditures, revenues, or cost savings to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Regulated entities affected by the amendments in this administrative regulation package include any owner or operator of a less than one-acre construction or demolition debris landfill or an expanded less two-acre construction or demolition debris landfill.

(a) Estimate the following for the first year:

Expenditures: Owners or operators of a less than one-acre construction or demolition debris landfill registered permit-by-rule are subject to a registration fee of \$4,500 and an annual permit renewal fee dependent on the tonnage of waste received annually, pursuant to 401 KAR 47:090. Owners or operators of a less than one-acre construction or demolition debris landfill registered permit-by-rule requesting a modification to their registered permit-by-rule are subject to a modification fee of \$4,500, pursuant to 401 KAR 47:090. Pursuant to KRS 224.40-120 an owner or operator of a less than one-acre construction or demolition debris landfill registered permit-by-rule is required to post a \$10,000 bond as financial assurance. Pursuant to KRS 224.40-120, an owner or operator of a less than one-acre construction or demolition debris landfill requesting an expansion in capacity to a less than two-acre construction or demolition debris landfill is required to post an additional \$10,000 bond for the additional acre. The Cabinet estimates the amended interim cover requirements within this administrative regulation equates to roughly \$1,800/acre for every six (6) inches of depth or \$3,600/acre for every twelve (12) inches of depth.

Revenues: The Cabinet cannot estimate the revenues generated by the regulated entities.

Cost Savings: Pursuant to the amendments of this administrative regulation package regulated entities will potentially avoid disposal fees at a local municipal landfill as the regulated entity will double their disposal capacity should the request to expand be approved by the Cabinet.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Pursuant to 401 KAR 47:090, owners or operators of a less than one-acre construction or demolition debris landfill are required to submit an annual permit renewal fee of \$500 for less than one-acre construction or demolition debris landfills receiving 1,000 or less tons of waste per year, \$1,500 for less than one-acre construction or demolition debris landfills receiving more than 1,000 and less than \$5,000 tons of waste per year, and \$3,000 for less than one-acre construction or demolition debris landfills receiving 5,000 or more tons of waste per year. Pursuant to 401 KAR 47:090, if an owner or operator of a less than one-acre construction or demolition debris landfill request a modification to the registered permit-by rule, the entity is required to submit a \$4,500 fee.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

Pursuant to KRS 224.40-120 an owner or operator of a less than one-acre construction or demolition debris landfill is required to post a \$10,000 as financial assurance. Pursuant to KRS 224.40-120, an owner or operator of a less than one-acre

construction or demolition debris landfill requesting an expansion in capacity to a less than two-acre construction or demolition debris landfill is required to post an additional \$10,000 bond for the additional acre. The Cabinet estimates the amended interim cover requirements within this administrative regulation equates to roughly \$1,800/acre for every six (6) inches of depth or \$3,600/acre for every twelve (12) inches of depth.

(b) Methodology and resources used to determine the fiscal impact:

The indirect fees associated with the fiscal impact of this administrative regulation are established in 401 KAR 47:090 and KRS 224.40-120.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This proposed administrative regulation will not have a major economic impact as the indirect fees established in 401 KAR 47:090 and KRS 224.40-120 are not being amended.

(b) The methodology and resources used to reach this conclusion:

While this administrative regulation does not include fees, indirect fees are established in 401 KAR 47:090, registration or modification fees for less than one-acre construction or demolition debris landfills require a \$4,500 fee. Additionally, these facilities are required to submit an annual permit renewal fee of \$500 for less than one-acre construction or demolition debris landfills receiving 1,000 or less tons of waste per year, \$1,500 for less than one-acre construction or demolition debris landfills receiving more than 1,000 and less than \$5,000 tons of waste per year, and \$3,000 for less than one-acre construction or demolition debris landfills receiving 5,000 or more tons of waste per year, pursuant to 401 KAR 47:090. Pursuant to 401 KAR 47:090, public-owned facilities are not subject to the established fees. Pursuant to KRS 224.40-120 an owner or operator of a less than one-acre construction or demolition debris landfill registered permit-by-rule is required to post a \$10,000 bond as financial assurance. Pursuant to KRS 224.40-120, an owner or operator of a less than one-acre construction or demolition debris landfill requesting an expansion in capacity to a less than two-acre construction or demolition debris landfill is required to post an additional \$10,000 bond for the additional acre.