

**ENERGY AND ENVIRONMENT CABINET**  
**Department Of Environmental Protection**  
**Division Of Waste Management**  
**(Amended at ARRS Committee)**

**401 KAR 47:110. Registered permit-by-rule.**

RELATES TO: KRS 224.1-010, 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, 224.43-310, 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); (24), 224.40-100, 224.40-305

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: 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 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This administrative regulation establishes requirements for registered permits-by-rule and the standards for the certification program.

**Section 1. Issuance of Registered Permit-by-rule.**

(1) Before accepting waste, the owner or operator of a solid waste site or facility established in 401 KAR 47:080, Section 2(6), shall notify the cabinet by submitting a notarized registration as established in subsection (2) of this section, along with any supporting documentation, such as maps or specifications.

(a) The registration shall become effective thirty (30) calendar days after the cabinet receives it unless the cabinet determines the registration complies with this administrative regulation or denies the registration within that time. A registration shall be denied if the registration is incomplete or the registration fails to demonstrate compliance with the requirements established in 401 KAR 47:120 and 401 KAR 48:320.

(b) The cabinet shall hold a public hearing in accordance with 401 KAR 47:140, Section 10, prior to accepting or denying the registration, upon the request of any individual.

(c) The owner or operator of a registered permit-by-rule facility shall comply with the environmental performance standards in 401 KAR 30:031 in order for the registered permit-by-rule to remain effective.

(2) The registration for a registered permit-by-rule facility shall be submitted to the cabinet on:

(a) DEP 7059; Solid Waste Transfer Station, Convenience Center, and Recycling Center;

(b) DEP 7059-A; Solid Waste Composting Facility;

(c) DEP 7059-E; Class I Solid Waste Landfarm;

(d) DEP 7059-H; Less-than-one-acre Construction/Demolition Debris (CDD) Landfill;  
or

(e) DEP 7059-J; Solid Waste Incinerator.

(3) If the cabinet determines that a registration that is not approved or denied pursuant to subsection (1) of this section fails to include all of the information required, the cabinet shall notify the operator that the registration is deficient.

(a) The owner or operator shall submit the requested information within thirty (30) calendar days of the date of the notice of deficiency.

- (b) The cabinet shall review the registration in accordance with the requirements of 401 KAR 47:025.
- (4) Prior to submission of the registration, the owner or operator shall prepare a groundwater protection plan in accordance with 401 KAR 5:037.
- (5) The owner or operator shall publish a notice two (2) weeks prior to submission of the registration in a daily or weekly newspaper of general circulation where the proposed facility is located.
  - (a) Public notices shall be of a size to include not less than two (2) column widths for advertising and shall be in a display format.
  - (b) The public notice shall contain:
    - 1. Name and address of the owner or operator;
    - 2. The type of facility;
    - 3. A brief description of the business to be conducted; and
    - 4. Name and address of the facility.

## Section 2. Operating Requirements for Registered Permit-by-rule Facilities.

- (1) The owner or operator of a facility operating under a registered permit-by-rule, except as established in Section 3 of this administrative regulation, shall not:
  - (a) Store, treat, or dispose of solid waste not included in the registration; or
  - (b) Exceed the design capacities stated in the registration.
- (2) The owner or operator of a facility operating under a registered permit-by-rule shall comply with the environmental performance standards in 401 KAR 30:031.
- (3) The owner or operator of a registered permit-by-rule facility shall keep records as established in this section.
  - (a) The owner or operator of a less-than-one (1) acre or expanded less-than-two (2) acre construction or demolition debris landfill or solid waste incinerator shall report quarterly pursuant to KRS 224.43-330. In addition, the owner or operator shall submit DEP 7046, Annual Waste Quantity Report, to the cabinet annually and upon closure of the facility.
  - (b) The owner or operator of a composting facility shall report quarterly pursuant to KRS 224.43-330. In addition, the owner or operator shall submit DEP 7108, Annual Report for a Solid Waste Composting Facility, to the cabinet annually and upon closure of the facility.
  - (c) The owner or operator of a landfarming facility shall report quarterly pursuant to KRS 224.43-330. In addition, the owner or operator shall submit DEP 7064, Annual Report for a Class I Solid Waste Landfarm, to the cabinet annually and upon closure of the facility.
  - (d) The owner or operator of a registered permit-by-rule convenience center, transfer station or commercial recycling center shall document records on DEP 7046, Annual Waste Quantity Report. Records shall be kept on site and available for inspection for at least three (3) years.
- (4) The owner or operator of a solid waste incinerator shall conduct the Toxicity Characteristic Leaching Procedure (TCLP) test established in 401 KAR 39:060, Section 2, before the initial disposal of any ash and if the characteristics of the waste accepted by the incinerator significantly change.
  - (a) The owner or operator shall keep a record of the current TCLP laboratory analysis report required by this section available for inspection by the cabinet for at least three (3) years.
  - (b) The owner or operator of a solid waste incinerator shall report the volume of ash generated to the cabinet annually and upon closure of the facility. The report shall be submitted no later than January 31 for the preceding calendar year.

## Section 3. Changes to a Registered Permit-by-rule.

(1) A revised registration shall be submitted as established in paragraphs (a) through (c) of this subsection.

(a) Solid wastes not previously identified in the registration may be stored, treated, or disposed at a facility operating under a registered permit-by-rule if the owner or operator submits a revised registration to the cabinet prior to that change.

(b) The owner or operator of a facility operating under a registered permit-by-rule shall submit a revised registration to the cabinet prior to increasing the design capacity of processes used at a facility.

(c) The owner or operator of a facility operating under a registered permit-by-rule shall submit a revised registration to the cabinet prior to changing the processes for the storage, treatment, or disposal of solid waste, using additional processes, or changing the owner or operator.

(2) The revised registration shall become effective thirty (30) calendar days after the cabinet receives it, unless the cabinet approves or denies the registration within that time. The cabinet shall review the registration in accordance with Section 1 of this administrative regulation.

Section 4. Revocation of a Registered Permit by Rule. The cabinet may revoke a registered permit-by-rule for:

- (1) Noncompliance by the owner or operator with a condition of the registration;
- (2) Owner, operator, or key personnel failure to disclose all information required by the cabinet during the registration process;
- (3) Owner, operator, or key personnel misrepresentation of any information required by the cabinet;
- (4) A cabinet determination that the operation endangers human health, safety, or the environment;
- (5) Owner, operator, or key personnel violation of any requirement of KRS Chapter 224 or 401 KAR Chapters 30 through 49; or
- (6) A change to the registered-permit-by-rule that was made without complying with Section 3 of this administrative regulation.

Section 5. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) DEP 7059; "Solid Waste Transfer Station, Convenience Center, and Recycling Center", November 2016;
  - (b) DEP 7059-A; "Solid Waste Composting Facility", November 2016;
  - (c) DEP 7059-E; "Class I Solid Waste Landfarm", November 2016;
  - (d) DEP 7059-H; "Less-than-one-acre Construction/Demolition Debris", July 2024;
  - (e) DEP 7059-J; "Solid Waste Incinerator", November 2016;
  - (f) DEP 7064; "Annual Report for a Class I Solid Waste Landfarm", November 2016;
  - (g) DEP 7108; "Annual Report for a Solid Waste Composting Facility", November 2016; and
  - (h) DEP 7046; "Annual Waste Quantity Report", November 2016.
- (2) This material may be inspected, copied, or obtained at the Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or at any of the division's field offices Monday through Friday, 8 a.m. to 4:30 p.m.; 2642 Russellville Road, Bowling Green, Kentucky 42101; 2751 Campbellsville Road, Columbia, Kentucky 42728; 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042; 1332 State Highway 15, Hazard, Kentucky 41701; 875 South Main Street, London, Kentucky 40741; 9116 Leesgate Road, Louisville, Kentucky 40222-4925; Madisonville State Office Building, 625 Hospital Drive, Madisonville, Kentucky 42431; 525 Hecks Plaza Drive, Morehead, Kentucky 40351; 130 Eagle Nest Drive, Paducah, Kentucky 42003.

(3) This material is also available at the division Web site at [eec.ky.gov/environmental-protection/waste](http://eec.ky.gov/environmental-protection/waste).

(401 KAR 047:110. 25 Ky.R. 2433; 26 Ky.R. 73; 374; 730; eff. 9-8-1999; TAm eff. 7-8-2016; TAm eff. 12-21-2016; Crt eff. 10-9-2018; TAm eff. 5-7-2019; 51 Ky.R. 773, 1483, 1650; eff. 6-3-2025.)

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