

### **401 KAR 30:005. Definitions for 401 KAR Chapter 30.**

RELATES TO: KRS Subchapters 224.01, 224.10, 224.40, 224.43, 224.46, 224.50, 224.60, 224.99, 40 C.F.R. 260.10

STATUTORY AUTHORITY: KRS 224.10-100, 40 C.F.R. 260.10

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 and the waste management provisions of KRS Chapter 224 require the cabinet to promulgate administrative regulations for the management of solid, special, and hazardous wastes. This administrative regulation defines essential terms, acronyms, and abbreviations used in connection with 401 KAR Chapter 30. Some federal terms have been modified to conform to Kentucky statutory mandates. Definitions contained in KRS Chapter 224 have been referenced to the appropriate statutory citation. Some terms do not have a federal counterpart and have been added to clarify requirements and provisions of KRS Chapter 224 and 401 KAR Chapter 30.

Section 1. Definitions. Except as provided in this section, the definitions established in 40 C.F.R. 260.10, effective September 9, 2005, shall apply.

- (1) "100-year flood" means a flood that has a one (1) percent chance of being equaled or exceeded in any given year.
- (2) "Administrator", "agency", "assistant administrator", "regional administrator", "director", or "regional director" means cabinet as defined in KRS 224.01-010(9).
- (3) "Cabinet" is defined by KRS 224.01-010(9).
- (4) "Coal mining by-products" means any material that:
  - (a) Is not one (1) of the primary products of a particular coal mining operation;
  - (b) Is a secondary and incidental product of the particular operation;
  - (c) Would not be solely and separately mined by the particular operation;
  - (d) Does not include an intermediate mining product, which results from one (1) of the steps in a mining process and is processed through the next step of the process within a short time; and
  - (e) May be stored separately in the hope that it can be profitably treated later, such as ore deposit that is too low in grade to be of economic value at the time of mining.
- (5) "Coal mining waste" means earth materials which:
  - (a) Are combustible, physically unstable, acid-forming or toxic-forming;
  - (b) Are generated during and incidental to the mining and extraction of coal and to the washing and crushing of coal;
  - (c) Does not include used oil, paints, or flammable liquids; and
  - (d) Shall include refuse, overburden, and coal mining by-products.
- (6) "Contaminate" means the introduction of a substance that would cause:
  - (a) The concentration of that substance in the groundwater to exceed the maximum contaminant level specified in 401 KAR 30:031, 401 KAR 47:030, Sections 5 and 6, or 401 KAR 34:060, Section 5;
  - (b) An increase in the concentration of that substance in the groundwater where the existing concentration of that substance exceeds the maximum contaminant level specified in 401 KAR 30:031, 401 KAR 47:030, or 401 KAR 34:060, Section 5; or
  - (c) A significant increase above established background levels, for substances that do not have an established maximum contamination level.
- (7) "Contamination" means the degradation of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activities.
- (8) "Destruction or adverse modification" means an alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.

- (9) "Disposal" is defined by KRS 224.01-010(10).
- (10) "Endangered or threatened species" means any species listed as endangered or threatened pursuant to Section 4 of the Endangered Species Act, as amended, 16 U.S.C. 1533.
- (11) "Environmental Protection Agency" or "EPA" means the Kentucky Department for Environmental Protection except if used in the phrases "EPA hazardous waste number", "EPA identification number", "EPA Region", "EPA Acknowledgment of Consent", "EPA Test Methods", or "EPA publications".
- (12) "Equivalent method" means any testing or analytical method authorized under 401 KAR Chapter 31, or methods in 401 KAR Chapters 47 and 48.
- (13) "Federal Register" means the Administrative Register of Kentucky as described in KRS 13A.050.
- (14) "Generator" is defined by KRS 224.01-010(13).
- (15) "Hazardous waste" is defined by KRS 224.01-010(31)(b).
- (16) "Karst terrain" means a type of topography where limestone, dolomite or gypsum is present and is characterized by naturally occurring closed topographic depressions or sinkholes, caves, disrupted surface drainage, and well developed underground solution channels formed by dissolution of these rocks by water moving underground.
- (17) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases, which will propagate a flame in air at twenty-five (25) degrees Celsius and atmospheric pressure.
- (18) "Manifest" is defined by KRS 224.01-010(37).
- (19) "Overburden" means:
- (a) All of the earth and other geologic materials, excluding topsoil, which lie above a natural deposit of coal; and
  - (b) The earth and other material after removal from their natural state in the process of mining.
- (20) "Permit" means the authorization or other control document that:
- (a) Is issued by the cabinet to implement the requirements of the waste management administrative regulations;
  - (b) Includes permit-by-rule, registered permit-by-rule, research, development, and demonstration permit, and emergency permit; and
  - (c) Does not include draft permit or proposed permit.
- (21) "Person" is defined by KRS 224.01-010(17).
- (22) "Publicly owned treatment works" is defined by KRS 224.01-010(19).
- (23) "RCRA" means the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq).
- (24) "Recycling" is defined by KRS 224.01-010(22).
- (25) "Refuse" means waste material in the raw coal which it is the object of cleaning to remove.
- (26) "Solid waste" is defined in KRS 224.01-010(31)(a).
- (27) "State" means the Commonwealth of Kentucky.
- (28) "Storage" is defined by KRS 224.01-010(28).
- (29) "Termination" is defined by KRS 224.01-010(26).
- (30) "Transfer facility" is defined by KRS 224.01-010(48).
- (31) "Transportation" is defined by KRS 224.01-010(29).
- (32) "Treatment" is defined by KRS 224.01-010(30).
- (33) "United States" means the Commonwealth of Kentucky.
- (34) "Used oil" is defined by KRS 224.50-545(2)(a).
- (35) "Washout" means the carrying away of waste by waters as a result of flooding.
- (36) "Waste" is defined by KRS 224.01-010(31).
- (37) "Water" or "Waters of the Commonwealth" is defined by KRS 224.01-010(33).

(38) "Wetlands" means land that has a predominance of hydric soils and is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Section 2. Substitution of Federal References.

(1) The following federal parts and subparts, which are cited by federal regulations referenced in 401 KAR Chapter 30, shall be substituted with the state administrative regulations listed below.

Federal Regulation	State Regulation
40 C.F.R. Part 260	401 KAR Chapter 30
40 C.F.R. 260 Subpart A	401 KAR 30:020
40 C.F.R. 260 Subpart B	401 KAR 30:005, 401 KAR 31:005, 401 KAR 32:005, 401 KAR 33:005, 401 KAR 34:005, 401 KAR 35:005, 401 KAR 36:005, 401 KAR 37:005, 401 KAR 38:005, 401 KAR 43:005, 401 KAR 44:005, and 401 KAR 30:020
40 C.F.R. 260 Subpart C	401 KAR 30:035
40 C.F.R. Part 261	401 KAR Chapter 31
40 C.F.R. 261 Subpart A	401 KAR 31:010
40 C.F.R. 261 Subpart B	401 KAR 31:020
40 C.F.R. 261 Subpart C	401 KAR 31:030
40 C.F.R. 261 Subpart D	401 KAR 31:040
40 C.F.R. Part 262	401 KAR Chapter 32
40 C.F.R. 262 Subpart A	401 KAR 32:010
40 C.F.R. 262 Subpart B	401 KAR 32:020
40 C.F.R. 262 Subpart C	401 KAR 32:030

40 C.F.R.  
262 401 KAR 32:040  
Subpart D  
40 C.F.R.  
262 401 KAR 32:050, Sections 1-9  
Subpart E  
40 C.F.R.  
262 401 KAR 32:050, Section 10  
Subpart F  
40 C.F.R.  
262 401 KAR 32:060  
Subpart G  
40 C.F.R.  
262 401 KAR 32:065  
Subpart H  
40 C.F.R. 401 KAR Chapter 33  
Part 263  
40 C.F.R.  
263 401 KAR 33:010  
Subpart A  
40 C.F.R.  
263 401 KAR 33:020  
Subpart B  
40 C.F.R.  
263 401 KAR 33:030  
Subpart C  
40 C.F.R. 401 KAR Chapter 34  
Part 264  
40 C.F.R.  
264 401 KAR 34:010  
Subpart A  
40 C.F.R.  
264 401 KAR 34:020  
Subpart B  
40 C.F.R.  
264 401 KAR 34:030  
Subpart C  
40 C.F.R.  
264 401 KAR 34:040  
Subpart D  
40 C.F.R.  
264 401 KAR 34:050  
Subpart E  
40 C.F.R.  
264 401 KAR 34:060  
Subpart F

40 C.F.R.  
264 401 KAR 34:070  
Subpart G  
40 C.F.R.  
264 401 KAR 34:080, 401 KAR 34:090, 401 KAR 34:100, 401  
Subpart H KAR 34:110, 401 KAR 34:120, 401 KAR 34:130  
40 C.F.R.  
264 401 KAR 34:180  
Subpart I  
40 C.F.R.  
264 401 KAR 34:190  
Subpart J  
40 C.F.R.  
264 401 KAR 34:200  
Subpart K  
40 C.F.R.  
264 401 KAR 34:210  
Subpart L  
40 C.F.R.  
264 401 KAR 34:220  
Subpart M  
40 C.F.R.  
264 401 KAR 34:230  
Subpart N  
40 C.F.R.  
264 401 KAR 34:240  
Subpart O  
40 C.F.R.  
264 401 KAR 34:287  
Subpart S  
40 C.F.R.  
264 401 KAR 34:285  
Subpart W  
40 C.F.R.  
264 401 KAR 34:250  
Subpart X  
40 C.F.R.  
264 401 KAR 34:275  
Subpart  
AA  
40 C.F.R.  
264 401 KAR 34:280  
Subpart  
BB  
40 C.F.R.  
264 401 KAR 34:281  
Subpart  
CC

40 C.F.R.  
264  
Subpart DD 401 KAR 34:245

40 C.F.R.  
264  
Subpart EE 401 KAR 34:370

40 C.F.R.  
Part 265 401 KAR Chapter 35

40 C.F.R.  
265  
Subpart A 401 KAR 35:010

40 C.F.R.  
265  
Subpart B 401 KAR 35:020

40 C.F.R.  
265  
Subpart C 401 KAR 35:030

40 C.F.R.  
265  
Subpart D 401 KAR 35:040

40 C.F.R.  
265  
Subpart E 401 KAR 35:050

40 C.F.R.  
265  
Subpart F 401 KAR 35:060

40 C.F.R.  
265  
Subpart G 401 KAR 35:070

40 C.F.R.  
265  
Subpart H 401 KAR 35:080, 401 KAR 35:090, 401 KAR 35:100, 401  
KAR 35:110, 401 KAR 35:120, 401 KAR 35:130

40 C.F.R.  
265  
Subpart I 401 KAR 35:180

40 C.F.R.  
265  
Subpart J 401 KAR 35:190

40 C.F.R.  
265  
Subpart K 401 KAR 35:200

40 C.F.R.  
265  
Subpart L 401 KAR 35:210

40 C.F.R.  
265 401 KAR 35:220  
Subpart M  
40 C.F.R.  
265 401 KAR 35:230  
Subpart N  
40 C.F.R.  
265 401 KAR 35:240  
Subpart O  
40 C.F.R.  
265 401 KAR 35:250  
Subpart P  
40 C.F.R.  
265 401 KAR 35:260  
Subpart Q  
40 C.F.R.  
265 401 KAR 35:270  
Subpart R  
40 C.F.R.  
265 401 KAR 35:285  
Subpart W  
40 C.F.R.  
265 401 KAR 35:275  
Subpart  
AA  
40 C.F.R.  
265 401 KAR 35:280  
Subpart  
BB  
40 C.F.R.  
265 401 KAR 35:281  
Subpart  
CC  
40 C.F.R.  
265 401 KAR 35:245  
Subpart  
DD  
40 C.F.R.  
265 401 KAR 35:350  
Subpart  
EE  
40 C.F.R. 401 KAR Chapter 36  
Part 266  
40 C.F.R.  
266 401 KAR 36:030  
Subpart C

40 C.F.R.  
266 401 KAR 36:060  
Subpart F  
40 C.F.R.  
266 401 KAR 36:070  
Subpart G  
40 C.F.R.  
266 401 KAR 36:020  
Subpart H  
40 C.F.R.  
266 401 KAR 36:080  
Subpart M  
40 C.F.R.  
266 401 KAR 36:090  
Subpart N  
40 C.F.R.  
Part 268 401 KAR Chapter 37  
40 C.F.R.  
268 401 KAR 37:010  
Subpart A  
40 C.F.R.  
268 401 KAR 37:020  
Subpart B  
40 C.F.R.  
268 401 KAR 37:030  
Subpart C  
40 C.F.R.  
268 401 KAR 37:040  
Subpart D  
40 C.F.R.  
268 401 KAR 37:050  
Subpart E  
40 C.F.R.  
Part 270 401 KAR Chapter 38  
40 C.F.R.  
270 401 KAR 38:010  
Subpart A  
40 C.F.R.  
270 401 KAR 38:070, 401 KAR 38:080, 401 KAR 38:090, 401  
Subpart B KAR 38:150 through 401 KAR 38:310  
40 C.F.R.  
270 401 KAR 38:030  
Subpart C  
40 C.F.R.  
270 401 KAR 38:040, Sections 1 through 4, 7  
Subpart D

40 C.F.R.  
270 401 KAR 38:040, Sections 5 and 6  
Subpart E  
40 C.F.R.  
270 401 KAR 38:060  
Subpart F  
40 C.F.R.  
270 401 KAR 38:020  
Subpart G  
40 C.F.R.  
270 401 KAR 38:320  
Subpart H  
40 C.F.R.  
270 401 KAR 38:330  
Subpart I  
40 C.F.R. 401 KAR 38:050  
Part 124  
40 C.F.R. 401 KAR Chapter 43  
Part 273  
40 C.F.R.  
273 401 KAR 43:010  
Subpart A  
40 C.F.R.  
273 401 KAR 43:020  
Subpart B  
40 C.F.R.  
273 401 KAR 43:030  
Subpart C  
40 C.F.R.  
273 401 KAR 43:040  
Subpart D  
40 C.F.R.  
273 401 KAR 43:050  
Subpart E  
40 C.F.R.  
273 401 KAR 43:060  
Subpart F  
40 C.F.R.  
273 401 KAR 43:070  
Subpart G  
40 C.F.R. 401 KAR Chapter 44  
Part 279  
40 C.F.R.  
279 401 KAR 44:005  
Subpart A  
40 C.F.R.  
279 401 KAR 44:010  
Subpart B

40 C.F.R.  
 279 401 KAR 44:020  
 Subpart C  
 40 C.F.R.  
 279 401 KAR 44:030  
 Subpart D  
 40 C.F.R.  
 279 401 KAR 44:040  
 Subpart E  
 40 C.F.R.  
 279 401 KAR 44:050  
 Subpart F  
 40 C.F.R.  
 279 401 KAR 44:060  
 Subpart G  
 40 C.F.R.  
 279 401 KAR 44:070  
 Subpart H  
 40 C.F.R.  
 279 401 KAR 44:080  
 Subpart I

(2) The requirements of the following federal regulations, which are referenced in 401 KAR Chapter 30, shall include the modifications, exceptions, and additions that are specific to the Commonwealth of Kentucky set forth in the following state administrative regulations referenced in the table below.

Federal Regulation	State Regulation
40 C.F.R. 260.10	401 KAR 30:005, 401 KAR 31:005, 401 KAR 32:005, 401 KAR 33:005, 401 KAR 34:005, 401 KAR 35:005, 401 KAR 36:005, 401 KAR 37:005, 401 KAR 38:005, 401 KAR 43:005, 401 KAR 44:005, and 401 KAR 30:020
40 C.F.R. 260.22	401 KAR 30:035, Section 3(2) and (3)
40 C.F.R. 264.1082	401 KAR 34:281, Section 2
40 C.F.R. 266.205	401 KAR 36:080, Section 6
40 C.F.R. 270.61	401 KAR 38:060, Section 2

(3) The following federal regulations, which are cited by the federal regulations referenced in this 401 KAR Chapter 30, shall be replaced with the state administrative regulations as identified in the table below.

Federal Regulation	State Regulation
40 C.F.R. Part 60 Appendix A	401 KAR 59:020

40 C.F.R. Part 257	401 KAR Chapter 47
40 C.F.R. Part 258	401 KAR Chapter 48
40 C.F.R. 260.41	401 KAR 30:035, Section 10
40 C.F.R. 264.140	401 KAR 34:080, Section 2
40 C.F.R. 264.141	401 KAR 34:080, Section 1
40 C.F.R. 264.142	401 KAR 34:090, Section 1
40 C.F.R. 264.143	401 KAR 34:090, Sections 2 through 12
40 C.F.R. 264.144	401 KAR 34:100, Section 1
40 C.F.R. 264.145	401 KAR 34:100, Sections 2 through 12
40 C.F.R. 264.146	401 KAR 34:110
40 C.F.R. 264.147	401 KAR 34:120
40 C.F.R. 264.148	401 KAR 34:130
40 C.F.R. 265.140	401 KAR 35:080, Section 2
40 C.F.R. 265.141	401 KAR 35:080, Section 1
40 C.F.R. 265.142	401 KAR 35:090, Section 1
40 C.F.R. 265.143	401 KAR 35:090, Sections 2 through 11
40 C.F.R. 265.144	401 KAR 35:100, Section 1
40 C.F.R. 265.145	401 KAR 35:100, Sections 2 through 11
40 C.F.R. 265.146	401 KAR 35:110
40 C.F.R. 265.147	401 KAR 35:120
40 C.F.R. 265.148	401 KAR 35:130
40 C.F.R. 266 Appendix I Table I-D	401 KAR 36:025, Section 1(2)(a)
40 C.F.R. 266 Appendix I Table I-E	401 KAR 36:025, Section 1(2)(b)
40 C.F.R. 270.51	401 KAR 38:040, Section 6
40 C.F.R. Part 280	401 KAR Chapter 42

(401 KAR 030:005. 23 Ky.R. 1052; eff. 3-12-1997; 33 Ky.R. 2369; 3652; eff. 6-13-2007; Crt eff. 9-5-2018; Crt to Am; filing deadline 2-28-2027.)