

401 KAR 48:320. Operating requirements for less than one (1) acre construction/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), (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), (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 construction/demolition debris landfills.

Section 1. Applicability. This administration regulation applies to owners and operators of less than one (1) acre construction/demolition debris landfills. The owner or operator of a less than one (1) acre construction/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 construction/demolition debris landfill shall not begin construction or accept waste until the registered permit-by-rule for the facility has become effective as specified in 401 KAR 47:110.

Section 3. Construction Requirements. The owner or operator of a less than one (1) acre construction/demolition debris landfill located inside a wellhead protection area, as defined 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 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 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 construction/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, 2, and 3;
 - (c) The liner and a leachate collection system as 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 construction/demolition debris landfill shall:
 - (a) Dispose only of construction/demolition waste or construction material as defined 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/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 construction/demolition debris landfill permitted boundary;
 - (j) Remove landfill debris, mud and waste from off-site roadways; and
 - (k) The maximum capacity of a less than one (1) acre construction and demolition debris landfill shall not exceed 40,000 cubic yards of waste.

Section 5. Closure Requirements. The owner or operator of a less than one (1) acre construction/demolition debris landfill shall close the facility as 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 construction/demolition debris landfill shall record a notice, with the property deed, on which the less than one (1) acre construction/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 construction/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 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 construction/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.

(25 Ky.R. 2476; 26 Ky.R. 75; 375; 732; eff. 9-8-1999; Crt eff. 8-13-2018; TAm eff. 8-4-2021.)