

401 KAR 49:005. Definitions related to 401 KAR Chapter 49.

RELATES TO: KRS 224.10, 224.40, 224.43

STATUTORY AUTHORITY: KRS 224.10-100

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: This chapter addresses solid waste planning in accordance with statutory changes made during the First Extraordinary Legislative Session of 1991. This administrative regulation defines essential terms that are used in this chapter.

Section 1. Definitions. Unless otherwise specifically defined in KRS Chapter 224 or otherwise specifically indicated by context, terms in 401 KAR Chapter 49 shall have the meanings given in this section.

- (1) "100-year floodplain" means any land area which is subject to a one (1) percent or greater chance of flooding in any given year from any source.
- (2) "100-year flood" means a flood that has a one (1) percent chance of being equaled or exceeded in any given year.
- (3) "Aboveground tank" means a device meeting the definition of "tank" and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.
- (4) "Active fault" means a land area which, according to the weight of geological evidence, has a reasonable probability of being affected by movement along a fault to the extent that a waste site or facility would be damaged and thereby pose a threat to human health and the environment.
- (5) "Active life" of a facility means the period from the initial receipt of waste at a waste site or facility until the cabinet receives certification of final closure.
- (6) "Active portion" means any area of a facility where treatment, storage, or disposal operations are being or have been conducted and which have not been closed. It includes the treated area of a landfarm and the active face of a landfill. Covered, closed, or inactive portions of landfills, building roofs, and roads are excluded unless designated as "active portions" by the cabinet.
- (7) "Administrative application" means the standard forms and format used for applying for a solid waste site or facility permit as specified in 401 KAR 47:160 and 401 KAR 47:180.
- (8) "Admixed liner" means a liner made from a mixture of any of a multitude of materials, often asphalt or cement, with widely varying physical and chemical properties. Admixed liners shall be demonstrated to be structurally sound and chemically resistant to the waste placed in it so as to be capable of supporting the waste without cracking or disintegrating or allowing waste or leachate to escape.
- (9) "Agricultural waste" means any nonhazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings and crop residues.
- (10) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
- (11) "Application" means the form approved by the cabinet for applying for a permit, including any additions, revisions or modifications and any narrative and drawings required by 401 KAR Chapters 47 or 48.
- (12) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.
- (13) "Attenuation" means any decrease in the maximum concentration or total quantity of an applied chemical or biological constituent in a fixed time or distance traveled resulting

from a physical, chemical, or biological reaction or transformation occurring in the zone of aeration or zone of saturation.

(14) "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit or part of a facility, such as the plant manager, superintendent, or person of equivalent responsibility.

(15) "Base flood" means a flood that has a one (1) percent or greater chance of recurring in any year, or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

(16) "Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

(17) "Bird hazard" means an increase in the likelihood of bird or aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(18) "Cabinet" shall have the meaning specified in KRS 224.01-010.

(19) "Cation exchange capacity" means the sum of exchangeable cations a soil can absorb expressed in milliequivalents per 100 grams of soil as determined by sampling the soil to the depth of cultivation or solid waste placement, whichever is greater, and analyzing by the summation method for distinctly acid soils or the sodium acetate method for neutral, calcareous, or saline soils.

(20) "Cell" means a portion of any landfill which is isolated, usually by means of an approved barrier.

(21) "Certification" means a statement of professional opinion based upon knowledge and belief.

(22) "Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements.

(23) "Closed unit" means any solid waste unit that no longer receives waste as of May 8, 1990 and has received all required final layers of cover material.

(24) "Closure care" means the routine care, maintenance, monitoring, and any required corrective action of a solid waste disposal site or facility following certification of closure until the applicable requirements are met.

(25) "Closure" shall have the meaning specified in KRS 224.01-010.

(26) "Coal mining solid waste" means solid waste, as defined by KRS 224.01-010, that is generated at, and is incidental to, a coal exploration operation or surface mining and reclamation operation regulated under KRS Chapter 350, and shall not include wastes generated by households, communities, cities, counties, or any person or business other than those regulated under KRS Chapter 350.

(27) "Coal mining waste" means earth materials which are combustible, physically unstable, or acid-forming or toxic-forming, that are generated during and incidental to the mining and extraction of coal and to the washing and crushing of coal. The term does not include used oil, paints or flammable liquids. The term includes the following:

- (a) Refuse which is that waste material in the raw coal which it is the object of cleaning to remove;
- (b) Overburden which includes all of the earth and other geologic materials, excluding topsoil, which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state in the process of mining; and
- (c) Coal mining by-products which include any material that is not one (1) of the primary products of a particular coal mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately mined by the

particular operation. The term 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. An example of a coal mining by-product is that part of the ore deposit that is too low in grade to be of economic value at the time, but which is stored separately in the hope that it can be profitably treated later.

- (28) "Collection box" shall have the meaning specified in KRS 224.01-010.
- (29) "Commercial solid waste" shall have the meaning specified in KRS 224.01-010.
- (30) "Component" means either the tank or ancillary equipment of a tank system.
- (31) "Compost" shall have the meaning specified in KRS 224.01-010.
- (32) "Composting" shall have the meaning specified in KRS 224.01-010.
- (33) "Conditionally exempt small quantity generator" means:
 - (a) A generator who generates no more than 100 kilograms of hazardous waste in a calendar month; and
 - (b) A generator who generates acutely hazardous waste listed in Sections 2, 3, and 4(5) of 401 KAR 31:040 in a calendar month in quantities greater than one (1) kilogram. All quantities of that acutely hazardous waste are subject to administrative regulation under 401 KAR Chapters 32 through 39, and the notification and permitting requirements of KRS 224.01-400, 224.40-310, 224.46-510, 224.46-580, and 224.50-130 to 224.50-413.
- (34) "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.
- (35) "Construction/demolition debris landfill" means a solid waste site or facility for the disposal of construction/demolition waste. The technical requirements for construction/demolition debris landfills are found in 401 KAR 47:080, 401 KAR 48:050, and 401 KAR 48:060.
- (36) "Construction/demolition waste" means waste resulting from the construction, remodeling, repair, and demolition of structures and roads, and for the disposal of uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm related cleanup.
- (37) "Construction materials" means nonhazardous nonsoluble material, including but not limited to steel, concrete, brick, asphalt roofing material, or lumber from a construction or demolition project. Mixture of construction and demolition debris with any amount of other types of waste may cause it to be classified as other than construction materials.
- (38) "Contained landfill" means a solid waste site or facility that accepts solid waste for disposal. The technical requirements for contained landfills are found in 401 KAR 47:080, 401 KAR 48:050, and 401 KAR 48:070 to 401 KAR 48:090.
- (39) "Contaminate" means introduce 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, Sections 5 and 6 of 401 KAR 47:030, or Section 8 of 401 KAR 34:060;
 - (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 Section 8 of 401 KAR 34:060; or
 - (c) A significant increase above established background levels, for substances that do not have an established maximum contamination level.
- (40) "Contamination" means the degradation of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activities.
- (41) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion, or release of waste or waste constituents into the environment which has the potential for endangering

human health and the environment. Financial planning to identify resources for initiation of such action is a part of contingency plan development.

(42) "Convenience center" shall have the meaning specified in KRS 224.01-010.

(43) "Cover material" means soil or other suitable material that is spread and compacted on the top and side slopes of disposed waste in order to control disease vectors, gases, erosion, fires, and infiltration of precipitation or run-on; support vegetation; provide trafficability; or assure an aesthetic appearance.

(44) "Demonstration" shall have the meaning specified in KRS 224.01-010.

(45) "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.

(46) "Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

(47) "Disease vector" means all insects, birds or gnawing animals such as rats, mice or ground squirrels, which are capable of transmitting pathogens.

(48) "Disposal facility" means a facility or part of a facility at which solid waste is intentionally placed into or on any land or water and at which waste will remain after closure.

(49) "Disposal" shall have the meaning specified in KRS 224.01-010.

(50) "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(51) "Draft permit" shall have the same meaning as "proposed permit".

(52) "Effluent limitations" shall have the same meaning as KRS 224.01-010.

(53) "Emergency permit" means a permit issued by the cabinet to temporarily store, treat or dispose of hazardous waste in accordance with the provisions of Section 2 of 401 KAR 38:060, to temporarily manage, process, or dispose of a solid waste in accordance with the provisions of Section 2 of 401 KAR 47:150 or to temporarily store, treat, or dispose of special waste in accordance with the provisions of Section 1 of 401 KAR 45:135.

(54) "Endangered or threatened species" means any species listed as such pursuant to Section 4 of the Endangered Species Act, as amended, 16 USC 1536.

(55) "Engineer" shall have the meaning specified in KRS 322.010. An independent, professional engineer shall be registered in Kentucky pursuant to KRS 322.040 and shall be qualified to engage in waste management engineering practices.

(56) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and which has a channel bottom that is always above the local water table.

(57) "Equivalent method" means any testing or analytical method, approved jointly by the administrator and the secretary under 401 KAR Chapter 31, or methods in 401 KAR Chapters 47 and 48, approved by the secretary of the cabinet.

(58) "Existing unit" means any solid waste disposal unit that was receiving solid waste as of May 8, 1990 and has not received the final layers of cover material.

(59) "Explosive gas" means methane (CH₄).

(60) "Facility structures" means any buildings and sheds or utility or drainage lines on the solid waste site or facility.

(61) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of waste. A facility may consist of several treatment, storage, or disposal operational units, such as one (1) or more landfills, surface impoundments, or combination of them.

(62) "Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government

including any government corporation, and the United States Government Printing Office.

(63) "Final closure" of a solid waste site or facility means the approved closure of a solid waste site or facility in accordance with 401 KAR 30:031, 401 KAR 47:030 and the applicable requirements of 401 KAR 48:060, 401 KAR 48:090, 401 KAR 48:170, or 401 KAR 48:200.

(64) "Flood plain" means areas adjoining inland waters which are inundated by the base flood, unless otherwise specified in 401 KAR 30:031 or 401 KAR 47:030, and includes: 100-year floodplain and floodway.

(65) "Floodway" means the channel of the waterway, stream or river and that portion of the adjoining floodplain which provides for passage of the 100-year flood flow without increasing the floodwater depth across the 100-year floodplain by more than one (1) foot.

(66) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

(67) "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

(68) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

(69) "Groundwater table" means the upper boundary of the saturated zone in which the hydrostatic pressure of the groundwater is equal to the atmospheric pressure.

(70) "Groundwater" means the subsurface water occurring in the zone of saturation beneath the water table, and perched water zones below the B-soil horizon, including water circulating through fractures, bedding planes, and solution conduits.

(71) "Holocene" means the most recent epoch of the quaternary period, extending from the end of the pleistocene to the present.

(72) "Household solid waste" shall have the meaning specified in KRS 224.01-010.

(73) "Hydric soils" means soils that, in their undrained condition, are saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(74) "Hydrophytic vegetation" means a plant growing either in water, or in a substrate that is at least periodically deficient of oxygen during a growing season as a result of excessive water content.

(75) "Incinerator" means any enclosed device using controlled flame combustion for burning solid waste.

(76) "Industrial solid waste" shall have the meaning specified in KRS 224.01-010.

(77) "Inert landfill" means a facility for the proper disposal of inert, nonsoluble and nonputrescible solid waste, including construction materials, certain industrial or special wastes, and other waste material with specific approval from the cabinet. Certain putrescible wood product wastes (such as cardboard, paper, sawdust, wood chips, and tree trimmings) may be considered by the cabinet for disposal at inert landfills.

(78) "Infectious waste" means those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing, and surgical gloves.

(79) "Inground tank" means a device meeting the definition of "tank" in this section and that whereby a portion of the tank is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

(80) "Intermittent stream" means a stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year.

- (81) "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.
- (82) "Key personnel" shall have the meaning specified in KRS 224.01-010.
- (83) "Landfarming facility" means a facility for land application of sludges or other solid waste by any method for purposes of disposal. It can be on any piece or pieces of land and may improve the physical and chemical qualities of the land for agricultural purposes, but does not alter the topography of the application area as revealed by contours and will not disturb the soil below three (3) feet from the surface.
- (84) "Landfill" means a solid waste site or facility for the disposal of specific wastes that is located, designated, constructed, operated, maintained, and closed in conformance with 401 KAR Chapter 47 and 48, and 401 KAR 30:031, and receives a case-by-case design review by the cabinet.
- (85) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing solid waste landfill unit.
- (86) "Leachate" means any liquid including any suspended components in the liquid, that has percolated through or drained from waste.
- (87) "Liner" means a continuous layer of natural or manmade material, beneath or on the sides of a waste site or facility, including but not limited to a waste pile, surface impoundment, landfill, or landfill cell, or beneath or on the sides of a waste site or facility which restricts the movement of the wastes, waste constituents, or leachate.
- (88) "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.
- (89) "Major modification" means for solid waste sites and facilities, a change meeting the criteria in Section 3 of 401 KAR 47:130.
- (90) "Management facility" means a facility or part of a facility at which solid waste is held for a temporary period, at the end of which solid waste is processed, disposed or managed elsewhere.
- (91) "Materials recovery facility" shall have the meaning specified in KRS 224.01-010.
- (92) "Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.
- (93) "Miscellaneous unit" means a solid waste management unit where waste is disposed and that is not a container, tank, surface impoundment, pile, landfarming unit, landfill, incinerator, underground injection well with appropriate technical standards under 40 CFR Part 146, or unit eligible for a research, development, and demonstration permit under section 3 of 401 KAR 47:150.
- (94) "Monitoring well" means a well used to obtain water samples for water quality and quantity analysis and groundwater levels.
- (95) "Monitoring" means the act of systematically inspecting and collecting data on operational parameters or on the quality of the air, soil, groundwater, or surface water.
- (96) "Municipal solid waste disposal facility" shall have the meaning specified in KRS 224.01-010.
- (97) "Municipal solid waste reduction" shall have the meaning specified in KRS 224.01-010.
- (98) "Municipal solid waste" shall have the meaning specified in KRS 224.01-010.
- (99) "Newsprint" shall have the meaning specified in KRS 224.01-010.
- (100) "Notice of intent" means the standard forms for applying for a solid waste site or facility permit as required by 401 KAR 47:160, 401 KAR 47:170 and 401 KAR 48:200.
- (101) "Off-site" means properties noncontiguous to the site.

(102) "On-site" means on the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing, as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

(103) "Open burning" means the combustion of any material or solid waste without:

- (a) Control of combustion air to maintain adequate temperature for efficient combustion;
- (b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (c) Control of emission of the gaseous combustion products.

(104) "Open dump" shall have the meaning specified in KRS 224.01-010.

(105) "Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external bottom of the tank cannot be visually inspected.

(106) "Operational plan" means the approved plan of operations filed with the cabinet which describes the method of operation that the permittee will use in the treatment, storage, or disposal of wastes.

(107) "Operator" means any person responsible for overall operation of an on-site or off-site waste facility, including any private contractor conducting operational activities at a federal facility.

(108) "Owner" means any person who owns an on-site or off-site waste facility, or any part of a facility.

(109) "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface run-off. The term does not include "intermittent stream" or "ephemeral stream".

(110) "Periodic application of cover material" means the application and compaction of soil or other suitable material over disposed waste at a solid waste site or facility at the end of each operating day or at such frequencies and in such a manner as to reduce the risks of fire and to impede disease vector's access to the waste.

(111) "Permit by rule" means authorization allowing certain classes of sites or facilities to manage waste consistent with 401 KAR Chapters 30 to 49, without submission of a registration or permit application to the cabinet. Examples of solid waste sites or facilities which are permitted by rule include facilities identified in 401 KAR 47:150.

(112) "Permit" means the authorization or other control document issued by the cabinet to implement the requirements of the waste management administrative regulations. The term permit includes permit-by-rule, registered permit-by-rule, research, development, and demonstration permit, and emergency permit. However, the term permit does not include draft permit or proposed permit.

(113) "Permittee" means any person holding a valid permit issued by the cabinet to manage, treat, store, or dispose of waste.

(114) "Person" shall have the meaning specified in KRS 224.01-010.

(115) "Personnel" or "facility personnel" means all persons who work at or oversee the operations of a waste facility, and whose actions or failure to act may result in noncompliance with the requirements of the waste management administrative regulations.

(116) "Pile" or "waste pile" means any noncontainerized accumulation of nonflowing solid waste that is used for processing or management.

(117) "Point of compliance" means for solid waste site and facilities, groundwater monitoring wells located within 250 feet of the waste boundary as approved by the

cabinet.

(118) "Point source" means any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(119) "Pollutant" shall have the same meaning as KRS 224.01-010.

(120) "Polychlorinated biphenyls" or "PCB" means halogenated organic compounds defined in accordance with 40 CFR 761.2 as of July 1989.

(121) "Postclosure" shall have the same meaning as "closure care."

(122) "Postclosure care" means the manner in which a facility shall be maintained when it no longer accepts waste for disposal.

(123) "Postclosure monitoring and maintenance" shall have the meaning specified in KRS 224.01-010.

(124) "Postconsumer waste paper" shall have the meaning specified in KRS 224.01-010.

(125) "Processing facility" means a facility or part of a facility using any method, technique or procedure, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for handling or reduced in volume.

(126) "Proposed permit" means a document prepared by the cabinet indicating the cabinet's tentative decision to issue or deny, modify, revoke or terminate a permit.

(127) "Publicly owned treatment works" or "POTW" shall have the meaning specified in KRS 224.01-010.

(128) "Publisher" shall have the meaning specified in KRS 224.01-010.

(129) "Putrescible" means susceptible to rapid decomposition by bacteria, fungi, or oxidation sufficient to cause nuisances such as odors, gases, or other offensive conditions.

(130) "Qualified groundwater scientist" means a geologist registered in Kentucky who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields to enable that individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.

(131) "Recharge zone" means an area supplying the water which enters an underground drinking water source.

(132) "Recovered material processing facility" shall have the meaning specified in KRS 224.01-010.

(133) "Recovered material" shall have the meaning specified in KRS 224.01-010.

(134) "Recycled content" shall have the meaning specified in KRS 224.01-010.

(135) "Recycling center" means a facility or a part of a facility at which solid waste is received and managed in a manner amenable for the recovery of material or energy. This term does not include recycling facilities.

(136) "Recycling facility" means a facility or a part of a facility at which solid waste is processed to reclaim material or energy from the solid waste.

(137) "Recycling" shall have the meaning specified in KRS 224.01-010.

(138) "Refuse-derived fuel" shall have the meaning specified in KRS 224.01-010.

(139) "Registered permit by rule" means that certain classes of solid waste sites or facilities as specified in 401 KAR 47:080 have a permit as provided in 401 KAR 47:110 or 401 KAR 48:200.

(140) "Representative sample" means a sample of a universe or whole (for example, waste pile, lagoon, or groundwater) which can be expected to exhibit the average properties of the universe or whole.

- (141) "Research, development, and demonstration permit" means a solid waste treatment or disposal facility using innovative and experimental technology as specified in sections of 401 KAR 47:150.
- (142) "Residential landfill" means a facility for the proper disposal of solid waste including residential waste, commercial waste, institutional waste, and those sludges, industrial or special waste with specific approval from the cabinet.
- (143) "Residual landfill" means a facility for the disposal of specific solid waste(s), including special waste, which is located, designed, constructed, operated, maintained, and closed in conformance with 401 KAR 30:031 and 401 KAR 47:030 and which receives a case-by-case design review by the cabinet.
- (144) "Resource recovery" means the recovery of material or energy from waste.
- (145) "Run-off" means any rainwater, leachate, or other liquid that drains overland from any part of a facility.
- (146) "Run-on" means any rainwater, leachate, or other liquid that drains overland onto any part of a facility.
- (147) "Salvaging" means the controlled removal of waste materials for utilization in a manner approved by the cabinet.
- (148) "Sanitary landfill" means a facility for the disposal of solid waste that complies with 401 KAR 30:031 and 401 KAR 47:030.
- (149) "Saturated zone" shall have the same meaning as "zone of saturation".
- (150) "Scavenging" means the removal of waste materials from a waste management site or facility in a manner deemed by the cabinet to be dangerous to the health and safety of any person.
- (151) "Schedule of compliance" means a schedule of remedial measures included in a permit or cabinet order, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with KRS Chapter 224 and 401 KAR Chapters 30 to 49.
- (152) "Secretary" shall have the meaning specified in KRS 224.01-010.
- (153) "Sewage system" shall have the meaning specified in KRS 224.01-010.
- (154) "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the waste facility or activity.
- (155) "Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 BTU per pound of sludge treated on a wet-weight basis.
- (156) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other waste having similar characteristics and effects.
- (157) "Small quantity generator" means a generator who generates more than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month.
- (158) "Solid waste" shall have the same meaning as KRS 224.01-010.
- (159) "Solid waste management area" or "area" shall have the meaning specified in KRS 224.01-010.
- (160) "Solid waste management facility" shall have the meaning specified in KRS 224.01-010.
- (161) "Solid waste management" shall have the meaning specified in KRS 224.01-010.
- (162) "Solid waste site or facility" means any place at which solid waste is managed, processed or disposed by landfilling, incineration, landfarming or any other method. The term includes: construction/demolition debris landfill; collection box; contained landfill; convenience center; disposal facility; incinerator; injection well; landfarming facility; management facility; miscellaneous unit; municipal solid waste disposal facility; pile or

waste pile; processing facility; recycling center; recycling facility; residual landfill; sanitary landfill; surface impoundment; tank; transfer facility; unit or solid waste unit; wastewater treatment unit; inert landfill; or residential landfill.

(163) "Solid waste unit" means a contiguous area of land on or in which solid waste is placed, or the largest area in which there is significant likelihood of mixing waste constituents in the same area. Examples of solid waste units include a surface impoundment, a waste pile, a land processing area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

(164) "State" means any of the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands or Guam but does not include any foreign country.

(165) "Storage" shall have the meaning specified in KRS 224.01-010.

(166) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(167) "Tank" means a stationary device designed to contain an accumulation of leachate or solid waste that is constructed primarily of nonearthen materials (for example, wood, concrete, steel, or plastic) which provide structural support.

(168) "Tank system" means a solid waste tank and its associated piping, ancillary equipment and containment system.

(169) "Technical application" means the standard format for applying for a solid waste site or facility permit as specified in 401 KAR 47:160 and 401 KAR 47:190.

(170) "Termination" shall have the meaning specified in KRS 224.01-010.

(171) "Transfer facility" shall have the meaning specified in KRS 224.01-010.

(172) "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body is a separate transport vehicle.

(173) "Transportation" shall have the meaning specified in KRS 224.01-010.

(174) "Trenching or burial operation" means the placement of sewage sludge or septic tank pumpings in a trench or other natural or manmade depression and the covering with soil or other suitable material at the end of each operating day such that the waste does not migrate to the surface.

(175) "Underground drinking water source" means:

(a) An aquifer supplying drinking water for human consumption; or

(b) An aquifer in which the groundwater contains less than 10,000 mg/l total dissolved solids.

(176) "Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

(177) "Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of managing or processing solid waste without posing a threat of release of waste to the environment.

(178) "Unit" shall have the same meaning as "Solid Waste Unit".

(179) "Universal collection" shall have the meaning specified in KRS 224.01-010.

(180) "Unsaturated zone" shall have the same meaning as "Zone of aeration".

(181) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(182) "Vessel" means any watercraft used or capable of being used as a means of transportation on the water.

(183) "Washout" means the carrying away of waste by waters as a result of flooding.

(184) "Waste boundary" means:

(a) The outermost perimeter of the waste (projected in the horizontal plane) as it would exist at completion of the disposal activity; or

(b) An alternative boundary for a solid or special waste disposal facility which may be used in lieu of paragraph (a) when the cabinet finds that such a change would not result in the contamination of groundwater which may be needed or used for human consumption. Such a finding shall be based on an analysis and consideration of all the factors identified in the following subparagraphs of this paragraph that are relevant:

1. The hydrogeological characteristics of the facility and surrounding land including any natural attenuation and dilution characteristics of the aquifer;
2. The volume and physical and chemical characteristics of the leachate;
3. The quantity, quality, and direction of flow of groundwater underlying the facility;
4. The proximity and withdrawal rates of groundwater users;
5. The availability of alternative drinking water supplies;
6. The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater; and
7. Public health, safety, and welfare effects.

(185) "Waste disposal facility" shall have the same meaning as KRS 224.40-310.

(186) "Waste management district" shall have the meaning specified in KRS 224.01-010.

(187) "Waste pile" shall have the same meaning as "pile".

(188) "Waste site or facility" shall have the meaning specified in KRS 224.01-010.

(189) "Waste" shall have the meaning specified in KRS 224.01-010.

(190) "Wastewater treatment unit" means a tank which is part of a wastewater treatment facility which is subject to administrative regulation under either Section 402 or Section 307(b) of the Clean Water Act of 1972 and which receives, treats, stores, generates, or accumulates influent wastewater or receives, manages, processes, generates or accumulates wastewater treatment sludge, either of which is a solid waste.

(191) "Water pollution" shall have the meaning specified in KRS 224.01-010.

(192) "Water" or "waters of the Commonwealth" shall have the meaning specified in KRS 224.01-010.

(193) "Well" means any shaft or pit dug or bored into the earth, generally of cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

(194) "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.

(195) "Zone of aeration" means that region of the soil or rock between the land surface and the nearest saturated zone in which the interstices are occupied partially by air.

(196) "Zone of incorporation" means the depth to which the soil on a landfarm is plowed, tilled, or otherwise designed to receive waste.

(197) "Zone of saturation" means that part of the earth's crust containing groundwater in which all voids, large and small, are filled with liquid.

Section 2. Acronyms and Abbreviations. Unless otherwise specifically indicated by context, acronyms and abbreviations used in 401 KAR Chapter 49 shall have the meaning as identified in Table 1 of this administrative regulation.

Table 1. Acronyms and Abbreviations.

ASTM American Society for Testing Materials

CFR	Code of Federal Regulations
CWA	Clean Water Act, as amended
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
DEP	Kentucky Department for Environmental Protection
EPA	United States Environmental Protection Agency
KAR	Kentucky Administrative Regulation
kg	Kilogram
KPDES	Kentucky Pollution Discharge Elimination System
KRS	Kentucky Revised Statute
l	Liter
MCL	Maximum Contaminant Level
mg	milligram
NPDES	National Pollutant and Discharge Elimination System
OSHA	U.S. Occupational Safety and Health Administration
PCB	Polychlorinated biphenyl
POTW	Publicly owned treatment works
PSD	Prevention of significant deterioration
SCS	Soil Conservation Service
U.S. EPA	United States Environmental Protection Agency
USDA	United States Department of Agriculture

(401 KAR 049:005. 23 Ky.R. 1272; eff. 3-12-1997; TAm eff. 6-14-2013; Crt eff. 9-5-2018; Crt eff. 8-29-2025.)