

405 KAR 30:340. Leachate control.

RELATES TO: KRS 350.600

STATUTORY AUTHORITY: KRS 151.125, 224.033, 350.028, 350.050, 350.600

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.600 requires the Environmental and Public Protection Cabinet to develop administrative regulations for oil shale operations to minimize and prevent their adverse effects on the citizens and the environment of the Commonwealth. This administrative regulation sets forth requirements for leachate control.

Section 1. General. The permittee shall, using the best technology currently available, control the quantity and quality of leachate produced at an oil shale operation.

Section 2. Preventive Measures. The permittee shall control the quantity of leachate by limiting the exposure of leachate producing materials to contact with water utilizing, but not limited to, the following practices:

- (1) Constructing diversion structures around sources of leachate. Such structures shall meet the provisions of 405 KAR 30:310, Section 1(2).
- (2) Placing such materials on impermeable surfaces;
- (3) Minimizing exposure to precipitation;
- (4) Protecting disposal areas from water by placing impermeable boundaries around leachate-producing materials; and
- (5) Construction of leachate containment structures.

Section 3. Leachate Containment Structures. Where deemed necessary by the cabinet, leachate containment structures shall be constructed below sources of leachate not meeting water quality standards as specified in 405 KAR 30:320. Such structures shall, at a minimum, meet the following provisions:

- (1) Leachate containment structures shall be sized to contain all leachate until such leachate can be treated to meet applicable standards or otherwise disposed of as approved by the cabinet;
- (2) Leachate containment structures shall be lined with an impermeable material to prevent seepage;
- (3) Leachate containment structures shall be located as close as possible to the source;
- (4) Leachate containment structures shall not be used for sediment control unless specifically approved by the cabinet;
- (5) Leachate containment structures shall be maintained in a manner approved by the cabinet and retained until leachate meets applicable water quality standards;
- (6) Leachate containment areas shall be marked by signs meeting the criteria in 405 KAR 30:210;
- (7) Leachate containment areas shall be fenced to prevent entry of livestock, wildlife, and unauthorized persons.

Section 4. The cabinet may approve other criteria upon adequate demonstration by the permittee based on sound engineering principals that the requirements of this administrative regulation are met.

Section 5. All leachate shall be handled, treated, and disposed of in accordance with all applicable federal and state laws and regulations.

Section 6. All areas containing leachate-producing materials shall remain under bond until the leachate being produced meets all applicable water quality standards.

(405 KAR 030:340. 8 Ky.R. 128; 489; eff. 3-1-1982; TAm eff. 8-9-2007; Crt eff. 7-3-2018; Crt eff. 6-30-2025.)

