

224.46-510 Generation of hazardous waste, standards -- Report by cabinet to county government -- Criteria for determining whether waste is hazardous and list of hazardous wastes to be set by regulation.

- (1) The cabinet shall promulgate regulations which establish standards for the generators of hazardous waste by amount of waste generated requiring such generators to do any or all of the following:
 - (a) Compile and maintain such information and record keeping regarding the quantities of hazardous waste generated, characteristics and composition of such waste and disposition of hazardous waste generated;
 - (b) Utilize proper labeling and containerization of hazardous waste as required by the cabinet;
 - (c) Utilize a manifest for each shipment of hazardous waste and assure that the facility to which the waste is designated is a permitted facility;
 - (d) Provide information on the general chemical composition of the hazardous waste to persons transporting, treating, storing or disposing of hazardous waste;
 - (e) Keep all records and copies of manifest readily available for review and inspection by the designated representative of the cabinet;
 - (f) Retain all records and manifest copies for a minimum of three (3) years or as required by the cabinet;
 - (g) Compile a periodic report of hazardous waste generated, stored, transferred, treated, disposed or transported for treatment, storage, or disposal as required by the cabinet;
 - (h) Provide the report required in paragraph (g) of this subsection to the county judge/executive of the county or chief executive officer of an urban-county government within which the waste site or facility which will receive waste from the generator is located and to the county judge/executive of the county or chief executive officer of an urban-county government within which the generator is located in order that the county judge/executive or chief executive officer may make the report available to the county law enforcement and emergency services for emergency planning purposes.
- (2) Any person who generates waste in this state shall make a determination as to whether or not such waste is hazardous pursuant to criteria promulgated by the cabinet, and any generator of hazardous waste shall certify that all information required in notices or reports to the cabinet or information provided on the manifest document is factual.
- (3) The cabinet shall promulgate regulations specifying the criteria by which wastes may be determined to be hazardous and based on use of these criteria maintain and update a list of wastes identified as hazardous wastes which shall be subject to the hazardous waste management provisions of KRS 224.46-505 to 224.46-570. The criteria and lists promulgated by the cabinet shall be identical to any such criteria and lists proposed or promulgated by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as

amended (Public Law 94-580). In providing for the management of hazardous waste, the cabinet shall establish classes or categories of hazardous waste reflecting the relative degree of hazard consistent with the Resource Conservation and Recovery Act of 1976, as amended (Public Law 94-580), and regulations issued pursuant thereto. Any person generating any substance which either meets the criteria or is identified as hazardous waste shall within ninety (90) days of promulgation of the regulation so notify the cabinet.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 237, sec. 2, effective July 15, 1986; and ch. 298, sec. 3, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 111, sec. 190, effective July 13, 1984. -- Created 1980 Ky. Acts ch. 264, sec. 4, effective July 15, 1980.

Formerly codified as KRS 224.864.

Legislative Research Commission Note. Acts 1986, ch. 237, § 9, provides: "The regulations promulgated under the introductory paragraph of subsection (1) of KRS 224.864 and under KRS 224.873, pursuant to the authority granted by sections 2 and 4 of this Act shall be no more stringent than the federal requirements."

Legislative Research Commission Note. This section was amended by two 1986 Acts which do not appear to be in conflict and have been compiled together.