

1 AN ACT relating to notice of hazardous waste violations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF KRS 224.46-505 TO 224.46-590 IS
4 CREATED TO READ AS FOLLOWS:

5 ***Within seven (7) days of the cabinet issuing a notice of violation to a hazardous waste***
6 ***site or facility for noncompliance with a condition of its permit, the provisions of this***
7 ***chapter, or the administrative regulations promulgated hereunder, the secretary or the***
8 ***secretary's designee shall send by certified mail, return receipt requested, a copy of the***
9 ***notice of violation to the county judge/executive of the county or the chief executive***
10 ***officer of the urban-county government within which the site or facility is located.***

11 ➔Section 2. KRS 224.10-212 is amended to read as follows:

12 (1) Any record or any other information furnished to or obtained by the cabinet relating
13 to hazardous waste shall be open to reasonable public inspection, except that any
14 record or information which constitutes a trade secret or confidential business
15 information and is designated as such by the cabinet upon a satisfactory showing by
16 the owner in accordance with the rules and regulations of the cabinet shall not be
17 disclosed. Further, no record or information designated by the owner to be either a
18 trade secret or confidential business information but not designated as such by the
19 cabinet due to the failure of the owner to make a satisfactory showing of
20 confidentiality shall be released to the public or to any other agency, department or
21 officer of the Commonwealth without providing the owner fifteen (15) days written
22 notice.

23 (2) Nothing herein shall be construed to prevent the use of such records or information
24 by the cabinet in compiling or publishing reports, analyses or summaries relating to
25 general conditions in the environment, nor shall anything herein prevent the use of
26 any record or other information for the purposes of administration or enforcement
27 of any federal, state or local pollution control law. However, no such report,

1 analyses, summary or use shall directly or indirectly publicly reveal information
2 otherwise confidential under this section.

3 **(3) Nothing in this section shall be construed to prevent the cabinet from providing**
4 **county or urban-county officials with copies of notices of violation issued to**
5 **hazardous waste sites or facilities as required by Section 1 of this Act.**