

1 AN ACT relating to invasive plant species.

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

3 ➔Section 1. KRS 224.10-100 is amended to read as follows:

4 In addition to any other powers and duties vested in it by law, the cabinet shall have the
5 authority, power, and duty to:

- 6 (1) Exercise general supervision of the administration and enforcement of this chapter,
7 and all rules, regulations, and orders promulgated thereunder;
- 8 (2) Prepare and develop a comprehensive plan or plans related to the environment of
9 the Commonwealth;
- 10 (3) Encourage industrial, commercial, residential, and community development which
11 provides the best usage of land areas, maximizes environmental benefits, and
12 minimizes the effects of less desirable environmental conditions;
- 13 (4) Develop and conduct a comprehensive program for the management of water, land,
14 and air resources to assure their protection and balance utilization consistent with
15 the environmental policy of the Commonwealth;
- 16 (5) Provide for the prevention, abatement, and control of all water, land, and air
17 pollution, including but not limited to that related to particulates, pesticides, gases,
18 dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;
- 19 (6) Provide for the control and regulation of surface coal mining and reclamation in a
20 manner to accomplish the purposes of KRS Chapter 350;
- 21 (7) Secure necessary scientific, technical, administrative, and operational services,
22 including laboratory facilities, by contract or otherwise;
- 23 (8) Collect and disseminate information and conduct educational and training programs
24 relating to the protection of the environment;
- 25 (9) Appear and participate in proceedings before any federal regulatory agency
26 involving or affecting the purposes of the cabinet;
- 27 (10) Enter and inspect any property or premises for the purpose of investigating either

- 1 actual or suspected sources of pollution or contamination or for the purpose of
2 ascertaining compliance or noncompliance with this chapter, or any regulation
3 which may be promulgated thereunder;
- 4 (11) Conduct investigations and hold hearings and compel the attendance of witnesses
5 and the production of accounts, books, and records by the issuance of subpoenas;
- 6 (12) Accept, receive, and administer grants or other funds or gifts from public and
7 private agencies including the federal government for the purpose of carrying out
8 any of the functions of the cabinet. The funds received by the cabinet shall be
9 deposited in the State Treasury to the account of the cabinet;
- 10 (13) Request and receive the assistance of any state or municipal educational institution,
11 experiment station, laboratory, or other agency when it is deemed necessary or
12 beneficial by the cabinet in the performance of its duties;
- 13 (14) Advise, consult, and cooperate with other agencies of the Commonwealth, other
14 states, the federal government, and interstate and interlocal agencies, and affected
15 persons, groups, and industries;
- 16 (15) Formulate guides for measuring presently unidentified environmental values and
17 relationships so they can be given appropriate consideration along with social,
18 economic, and technical considerations in decision making;
- 19 (16) Monitor the environment to afford more effective and efficient control practices, to
20 identify changes and conditions in ecological systems, and to warn of emergency
21 conditions;
- 22 (17) Adopt, modify, or repeal with the recommendation of the commission any standard,
23 regulation, or plan;
- 24 (18) Issue, after hearing, orders abating activities in violation of this chapter, or the
25 provisions of this chapter, or the regulations promulgated pursuant thereto and
26 requiring the adoption of the remedial measures the cabinet deems necessary;
- 27 (19) Issue, continue in effect, revoke, modify, suspend, or deny under such conditions as

1 the cabinet may prescribe and require that applications be accompanied by plans,
2 specifications, and other information the cabinet deems necessary for the following
3 permits:

4 (a) Permits to discharge into any waters of the Commonwealth, and for the
5 installation, alteration, expansion, or operation of any sewage system;
6 however, the cabinet may refuse to issue the permits to any person, or any
7 partnership, corporation, etc., of which the person owns more than ten percent
8 (10%) interest, who has improperly constructed, operated, or maintained a
9 sewage system willfully, through negligence, or because of lack of proper
10 knowledge or qualifications until the time that person demonstrates proper
11 qualifications to the cabinet and provides the cabinet with a performance
12 bond;

13 (b) Permits for the installation, alteration, or use of any machine, equipment,
14 device, or other article that may cause or contribute to air pollution or is
15 intended primarily to prevent or control the emission of air pollution; or

16 (c) Permits for the establishment or construction and the operation or
17 maintenance of waste disposal sites and facilities;

18 (20) May establish, by regulation, a fee or schedule of fees for the cost of processing
19 applications for permits authorized by this chapter, and for the cost of processing
20 applications for exemptions or partial exemptions which may include but not be
21 limited to the administrative costs of a hearing held as a result of the exemption
22 application, except that applicants for existing or proposed publicly owned facilities
23 shall be exempt from any charge, other than emissions fees assessed pursuant to
24 KRS 224.20-050, and that certain nonprofit organizations shall be charged lower
25 fees to process water discharge permits under KRS 224.16-050(5);

26 (21) May require for persons discharging into the waters or onto the land of the
27 Commonwealth, by regulation, order, or permit, technological levels of treatment

1 and effluent limitations;

2 (22) Require, by regulation, that any person engaged in any operation regulated pursuant
3 to this chapter install, maintain, and use at such locations and intervals as the
4 cabinet may prescribe any equipment, device, or test and the methodologies and
5 procedures for the use of the equipment, device, or test to monitor the nature and
6 amount of any substance emitted or discharged into the ambient air or waters or
7 land of the Commonwealth and to provide any information concerning the
8 monitoring to the cabinet in accordance with the provisions of subsection (23) of
9 this section;

10 (23) Require by regulation that any person engaged in any operation regulated pursuant
11 to this chapter file with the cabinet reports containing information as to location,
12 size, height, rate of emission or discharge, and composition of any substance
13 discharged or emitted into the ambient air or into the waters or onto the land of the
14 Commonwealth, and such other information the cabinet may require;

15 (24) Promulgate regulations, guidelines, and standards for waste planning and
16 management activities, approve waste management facilities, develop and publish a
17 comprehensive statewide plan for nonhazardous waste management which shall
18 contain but not be limited to the provisions set forth in KRS 224.43-345, and
19 develop and publish a comprehensive statewide plan for hazardous waste
20 management which shall contain but not be limited to the following:

21 (a) A description of current hazardous waste management practices and costs,
22 including treatment and disposal, within the Commonwealth;

23 (b) An inventory and description of all existing facilities where hazardous waste
24 is being generated, treated, recycled, stored, or disposed of, including an
25 inventory of the deficiencies of present facilities in meeting current hazardous
26 waste management needs and a statement of the ability of present hazardous
27 waste management facilities to comply with state and federal laws relating to

1 hazardous waste;

2 (c) A description of the sources of hazardous waste affecting the Commonwealth
3 including the types and quantities of hazardous waste currently being
4 generated and a projection of such activities as can be expected to continue
5 for not less than twenty (20) years into the future; and

6 (d) An identification and continuing evaluation of those locations within the
7 Commonwealth which are naturally or may be engineered to be suitable for
8 the establishment of hazardous waste management facilities, and an
9 identification of those general characteristics, values, and attributes which
10 would render a particular location unsuitable, consistent with the policy of
11 minimizing land disposal and encouraging the treatment and recycling of the
12 wastes.

13 The statewide waste management plans shall be developed consistent with state and
14 federal laws relating to waste;

15 (25) Perform other acts necessary to carry out the duties and responsibilities described in
16 this section;

17 (26) Preserve existing clean air resources while ensuring economic growth by issuing
18 regulations, which shall be no more stringent than federal requirements, setting
19 maximum allowable increases from stationary sources over baseline concentrations
20 of air contaminants to prevent significant deterioration in areas meeting the state
21 and national ambient air quality standards;

22 (27) Promulgate regulations concerning the bonding provisions of subsection (19)(a) of
23 this section, setting forth bonding requirements, including but not limited to
24 requirements for the amount, duration, release, and forfeiture of the bonds. All
25 funds from the forfeiture of bonds required pursuant to this section shall be placed
26 in the State Treasury and credited to a special trust and agency account which shall
27 not lapse. The account shall be known as the "sewage treatment system

- 1 rehabilitation fund" and all moneys placed in the fund shall be used for the
2 elimination of nuisances and hazards created by sewage systems which were
3 improperly built, operated, or maintained, and insofar as practicable be used to
4 correct the problems at the same site for which the bond or other sureties were
5 originally provided;
- 6 (28) Promulgate administrative regulations not inconsistent with the provisions of law
7 administered by the cabinet;
- 8 (29) Through the secretary or designee of the secretary, enter into, execute, and enforce
9 reciprocal agreements with responsible officers of other states relating to
10 compliance with the requirements of KRS Chapters 350, 351, and 352 and the
11 administrative regulations promulgated under those chapters;
- 12 (30) Monitor and enforce the compliance of a merchant electric generating entity to
13 which a construction certificate has been issued pursuant to KRS 278.710 with
14 respect to its obligations under KRS 278.710(3), (4), (5), (7), (8), (9), and (10);~~f~~
15 ~~and~~
- 16 (31) Draw upon a decommissioning bond or similar security for which it is named as a
17 beneficiary and decommission and dismantle a merchant electric generating facility
18 in accordance with its approved decommissioning plan; and
- 19 (32) Promulgate administrative regulations to prevent the spread of invasive, non-
20 native plant species that cause or are likely to cause harm to the economy, the
21 environment, or human health when introduced into an ecosystem.