

1 AN ACT relating to coal combustion by-products.

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

3 ➔Section 1. KRS 224.50-760 is amended to read as follows:

4 (1) (a) For purposes of this section and KRS 224.46-580(7), special wastes are those  
5 wastes of high volume and low hazard which include but are not limited to  
6 mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), wastes  
7 from coal gasification facilities (vitrified coarse solid residues, prilled or  
8 blocked sulfur) approved by the cabinet based on submittal of appropriate  
9 testing demonstrating that the wastes are of low hazard, sludge from water  
10 treatment facilities and wastewater treatment facilities, cement kiln dust, gas  
11 and oil drilling muds, and oil production brines. Other wastes may be  
12 designated special wastes by the cabinet;

13 (b) 1. Disposal sites or facilities for special wastes shall be exempt from the  
14 provisions of KRS 224.46-520 and the provisions of KRS 224.43-810  
15 and 224.43-815 but may be regulated by the cabinet consistent with the  
16 Resource Conservation and Recovery Act of 1976, as amended (Pub. L.  
17 94-580), and regulations issued pursuant thereto, unless the special  
18 waste received is listed or meets the criteria of a hazardous waste in  
19 regulations pursuant to KRS 224.46-510(3).

20 **2. Coal combustion by-products or utility wastes that qualify as special**  
21 **wastes under this section may be beneficially reused at underground**  
22 **or surface coal mines as structural fill, backfill, material for**  
23 **contouring, mine stabilization, or reclamation material in accordance**  
24 **with the requirements of this chapter and the administrative**  
25 **regulations promulgated hereunder. The resulting reclaimed land may**  
26 **be used for any purposes for which it is suitable, including**  
27 **agricultural purposes.**

- 1           3. If the special waste is a hazardous waste as specified in regulations  
2           pursuant to KRS 224.46-510(3), the site or facility shall be required by  
3           the cabinet to comply with the provisions of KRS 224.46-520 but shall  
4           not be subject to the requirements of KRS 224.40-310(6);
- 5           (c) Generators of special wastes shall register with the cabinet and be subject to  
6           the provisions of KRS 224.46-510, except for generators of coal mining  
7           wastes which shall be regulated pursuant to the provisions of KRS Chapter  
8           350;
- 9           (d) The cabinet shall, when promulgating regulations affecting special waste,  
10          recognize special waste as a separate and distinct indivisible category and  
11          shall recognize the distinct differences between the category of special wastes  
12          and other hazardous wastes and solid wastes as defined in KRS 224.1-  
13          010(30)(a) and 109.012(12) due to the fact that special wastes have large  
14          volume but low hazardousness. The cabinet's regulations for the generation,  
15          transport, recordkeeping, reporting, treatment, storage, and disposal shall  
16          reflect those distinct differences. The cabinet's regulations shall recognize and  
17          incorporate, where appropriate, and if consistent with the policies of KRS  
18          224.46-510 to 224.46-570, any deadline extensions, studies, and specialized  
19          requirements for specific kinds of special wastes that are or may be  
20          undertaken at the federal or other levels of government; and
- 21          (e) It is the intent of the General Assembly that the processing of sludge from  
22          water treatment facilities and wastewater treatment facilities by composting  
23          shall be considered an industrial process. The cabinet shall, when  
24          promulgating administrative regulations affecting sludge from water treatment  
25          facilities and wastewater treatment facilities, consider the treatment of this  
26          sludge by composting as an industrial process. The provisions of this  
27          paragraph and subsection (3) of this section shall not apply to a city, county,

1 urban-county government, charter county government, or special district as  
2 defined in KRS Chapter 65, or to a public or private college or university that  
3 processes its own water treatment or wastewater treatment sludge by  
4 composting on property owned or leased by the city, county, urban-county  
5 government, charter county government, special district, or public or private  
6 college or university.

7 (2) Generators of waste oil shall be exempt from the provisions of KRS 224.46-510 and  
8 224.46-520 so long as waste oil is not specified as a hazardous waste in regulations  
9 pursuant to KRS 224.46-510(3) but may be regulated by the cabinet consistent with  
10 the Resource Conservation and Recovery Act of 1976, as amended (Pub. L. 94-  
11 580), and regulations issued pursuant thereto.

12 (3) A permit application to establish, operate, or modify a composting site or  
13 composting facility for the processing of water treatment sludge or wastewater  
14 treatment sludge, shall require immediately the general public notice provided for in  
15 KRS 224.40-310(4) and (5). If a hearing is requested, no permit to establish,  
16 operate, or modify a composting site or facility shall be issued prior to the public  
17 hearing. The hearing shall be held within the county where the composting site or  
18 facility is located or proposed. Composting of this sludge shall be considered an  
19 industrial process.