

224.40-100 Disposal at other than permitted site or facility prohibited -- Open dump prohibited -- Exception -- Compliance with regulations required -- Damages for noncompliance.

- (1) No person shall transport to or dispose of waste at any site or facility other than a site or facility for which a permit for waste disposal has been issued by the cabinet. Upon request, any transporter of waste shall receive from the cabinet a current list of permitted waste disposal sites or facilities and shall be subsequently notified of any new permits or changes in the status of permits for waste disposal sites and facilities in the Commonwealth.
- (2) The use of open dumps is prohibited except in the case of an open dump which is under a timetable or schedule for compliance approved by the cabinet. The cabinet may enjoin the operation of any open dump which does not have a timetable or schedule of compliance approved by the cabinet.
- (3) The cabinet may require any person who violates this section or KRS 224.40-305 to take appropriate response actions to close and reclaim or upgrade open dumps to comply with applicable administrative regulations adopted by the cabinet. If a demand for response action is not implemented within a time period specified in a demand or timetable or schedule for compliance issued or approved by the cabinet, the cabinet may enjoin the operation of the open dump and restore the site.
- (4) Except as provided in KRS 224.43-020, the cabinet may assess any person who violates this section by failing to take appropriate actions to close and reclaim or upgrade open dumps, damages in an amount equal to the cost of closure as estimated by the cabinet. The money collected shall be placed in the agency account established under KRS 224.40-650(4) to be used for the site closure and restoration. Any money remaining after site closure and restoration from the amount assessed shall be returned to the person against whom any assessment was made.

Effective: February 26, 1991

History: Amended 1991 (1st Extra. Sess.), Ky. Acts ch. 12, sec. 35, effective February 26, 1991. -- Amended 1986 Ky. Acts ch. 172, sec. 2, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 284, sec. 3, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 113, sec. 7, effective June 17, 1978. -- Created 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 13, effective January 1, 1973.

Formerly codified as KRS 224.835 and also previously codified as 224.255.