

**224.40-120 Requirements for allowing off-site disposal of construction or demolition waste at sites of less than one acre.**

- (1) The cabinet shall not permit the off-site disposal of construction or demolition waste at a site less than one (1) acre unless, as a minimum, the following conditions are imposed:
  - (a) The applicant shall provide a written certification that a copy of the application has been delivered to the governing body of the solid waste management area and that disposal of construction and demolition waste at the proposed site will not violate local land use regulations;
  - (b) Disposal shall only occur during daylight hours in accordance with a posted schedule that will allow inspection by local or state officials;
  - (c) The applicant shall erect on the site a sign clearly indicating that the site is permitted for disposal of construction and demolition debris only, and the operating hours shall appear on the sign along with the applicant's permit number;
  - (d) The cabinet shall establish a schedule for closing and covering the site, including provisions for intermediate cover when flammable waste is involved;
  - (e) Notwithstanding any other provision of law, the applicant shall not allow the disposal of tires in a waste disposal facility regulated by this section; and
  - (f) The cabinet shall require the applicant to post a bond in the amount of ten thousand dollars (\$10,000) to insure compliance with the conditions of the permit.
- (2) The cabinet may waive the requirement of subsection (1)(b) of this section, that the hours of operation shall be posted, and the requirements of subsection (1)(c) and (d) of this section, if the cabinet determines that the area of land to be affected, the limited duration of the disposal operation, or the materials to be disposed of do not require imposition of these standards to assure the safety of the public.
- (3) This section shall not apply to beneficial reuse of industrial solid waste.

**Effective:** April 9, 1992

**History:** Created 1992 Ky. Acts ch. 292, sec. 1, effective April 9, 1992.