

#### **224.46-505 Legislative findings and statement of policy.**

The General Assembly of the Commonwealth of Kentucky hereby finds, determines, and declares as follows:

- (1) That technological progress and increases in the amounts of manufacturing are continuing to result in increasing quantities of hazardous waste being generated and prohibiting the generation of hazardous waste would result in a competitive economic disadvantage for the Commonwealth;
- (2) That the Commonwealth is the site of much improper and inadequately regulated handling, treatment, transportation, storage, and disposal of hazardous waste which presents a threat to the public health, safety, and welfare and the environment;
- (3) That by the enactment by the Congress of the United States of the Resource Conservation and Recovery Act of 1976, as amended (PL 94-580), the generation, transportation, treatment, storage, recycling, and disposal of hazardous waste has been determined to be a matter of national importance, recognizing that hazardous waste presents, in addition to the problems generally associated with nonhazardous waste, special dangers to health and requires a greater degree of regulation than does nonhazardous waste;
- (4) That the primary responsibility for proper hazardous waste management rests with the generators, transporters, treaters, storers, recyclers, and disposers of hazardous waste, subject to rules, regulations, guidelines, and standards promulgated by the Energy and Environment Cabinet and also subject to registration or permitting by the cabinet for the purpose of effectuating safe and proper management at all steps in the hazardous waste cycle;
- (5) That the participation of the private sector and the interested public in any aspect of hazardous waste management not expressly reserved as state or federal authority as set forth in KRS 224.46-510 to 224.46-570 or other statutes is encouraged, moreover, it is preferable for hazardous waste management functions to be performed by the private sector when such is in the best interest of the public and conforms with the policies and provisions set forth in KRS 224.46-510 to 224.46-570;
- (6) That as a matter of policy the prevention of pollution or reduction of waste at its source is the preferred management option. Pollutants that cannot be prevented should be recycled in an environmentally-safe manner whenever feasible. Pollution that cannot be prevented or recycled should be treated; and, disposal or other release into the environment should only be employed when no other feasible option is available; and
- (7) That as a result of the conditions described in the foregoing findings, the problems of hazardous waste generation, transportation, treatment, storage, recycling, and disposal have become a matter of extreme state concern necessitating action by the General Assembly to protect the public health, safety, and welfare and the environment of the Commonwealth.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 371, effective July 15, 2010. -- Amended 1994 Ky. Acts ch. 460, sec. 9, effective July 15, 1994. -- Amended 1984 Ky. Acts ch. 111, sec. 189, effective July 13, 1984. -- Created 1980 Ky. Acts ch. 264, sec. 1, effective July 15, 1980.

**Formerly codified as** KRS 224.862.