

**224.46-530 Specific authority of cabinet over management of hazardous wastes.**

- (1) In addition to any other authority or power, the cabinet shall have the authority and power:
  - (a) To prohibit the placement of bulk or noncontainerized liquid hazardous wastes or free liquids contained in hazardous wastes (whether or not absorbents have been added) in any landfill;
  - (b) To minimize the disposal of containerized liquid hazardous wastes in landfills and minimize the presence of free liquids in containerized hazardous wastes to be disposed in landfills;
  - (c) To prohibit the disposal in landfills of any liquids including those that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operations;
  - (d) To regulate the production, burning and transporting of any fuel derived from any hazardous waste, any mixture of a material and hazardous waste or from used oil and any other material; and the distribution and marketing of any fuel produced from hazardous wastes, a mixture of hazardous waste and any material or from used oil or any other material or which otherwise contains used oil or any hazardous waste. In regulating any persons and facilities pursuant to this paragraph the cabinet may include but not be limited to establishing requirements for notification, labeling, record keeping, incineration, and any other requirement deemed necessary by the cabinet to protect human health and the environment;
  - (e) To require corrective action prior to issuing, renewing, or amending a permit for all releases of hazardous wastes or constituents from any waste management unit at a treatment, storage or disposal facility, regardless of when the wastes were placed in such unit. Permits issued, renewed, or amended shall contain schedules of compliance for corrective action and assurances of financial responsibility for completing the corrective action whenever the corrective action cannot be completed prior to a final decision on the permit;
  - (f) To require or order, at facilities for the treatment, storage or disposal of hazardous wastes, that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility demonstrates that after using best efforts the necessary permission to undertake such action could not be obtained. This requirement applies to all facilities operating under permits issued pursuant to KRS 224.40-310 to 224.40-330, 224.43-020, 224.46-505 to 224.46-530, 224.50-130, and 224.50-760 and all landfills, surface impoundments, and waste pile units (including any new units, replacement of existing units or lateral expansions of existing units) which receive hazardous wastes after July 26, 1982;
  - (g) To condition and issue permits that contain terms and conditions that are necessary to protect human health and the environment;

- (h) To require any landfill, surface impoundment, land treatment unit or waste pile unit permitted to operate which receives hazardous waste after July 26, 1982, to comply with the standards concerning groundwater monitoring, unsaturated zone monitoring, and corrective action which are applicable to new landfills, surface impoundments, land treatment units, and waste pile units required to be permitted under this chapter;
  - (i) To impose such requirements as may be necessary to protect human health and the environment at any existing landfills, surface impoundments or class of surface impoundments from which the cabinet determines hazardous constituents are likely to migrate into groundwater. Such requirements may include those which would apply if such facility was new;
  - (j) To regulate the generation, transportation, and use of used oil which is recycled as necessary to protect human health and the environment;
  - (k) To regulate hazardous waste that is radioactive except to the extent that such waste is source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, (68 Stat. 923);
  - (l) To prohibit the use of waste or used oil or other material which is contaminated or mixed with dioxin or any other hazardous waste, other than a waste identified solely on the basis of ignitability, for dust suppression or road treatment;
  - (m) To regulate, monitor, and control air emissions at hazardous waste treatment, storage, and disposal facilities including but not limited to open tanks, surface impoundments, and landfills as may be necessary to protect human health and the environment; and
  - (n) To exclude a waste generated at a particular facility from being regulated as a hazardous waste.
- (2) The cabinet shall have the authority to promulgate any regulations necessary to carry out the provisions of this section.

**Effective:** July 15, 1986

**History:** Created 1986 Ky. Acts ch. 237, sec. 5, effective July 15, 1986.

**Formerly codified as** KRS 224.867.