

ENERGY AND ENVIRONMENT **CABINET**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
SOLID WASTE BRANCH**

300 Sower Boulevard, Second Floor

FRANKFORT, KENTUCKY 40601

(502) 564-6716

**REGISTRATION FOR A
REGISTERED PERMIT-BY-RULE
SOLID WASTE COMPOSTING FACILITY**

DEP 7059-A (November 2016)

This registration shall become effective five (5) business days after the cabinet receives it unless the cabinet denies the registration within that time.

Any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment for a term of not less than one year and not more than five years, or by both fine and imprisonment.

The NREPC does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in the employment or provision of services. Upon request, the NREPC will provide reasonable accommodations including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in programs and activities. To request an alternate format for this registration, contact the Solid Waste Branch at (502) 564-6716.

INSTRUCTIONS

carefully read each of the following application requirements. Check each box provided to ensure the requirements are met as you complete them. Type or print your responses legibly in indelible ink.

- All items in this application must be answered. Failure to answer any item will result in the return of this application for completion. If an item is not applicable to your facility, write "N/A".
- If you are submitting a modification to an existing permitted facility, attach a cover letter explaining this and complete only those parts of the application being changed.
- All maps, attachments, and addendums must be submitted with this application to prevent delays in processing.
- The owner or operator of a solid waste composting facility shall comply with the operator certification requirements of KRS 224.40-605.
- The sampling requirements for finished compost are specified in the annual report form (DEP 7108) attached to this application. DEP 7108 must be maintained on site at all times to comply with regulatory recordkeeping requirements. Detach this form now. **Do not return DEP 7108 when submitting this application.**

The statutes and regulations that apply to registered permit-by-rule composting facilities include, but are not limited to, the following: KRS 224.01-010, KRS 224.40-120, KRS 224.40-605, KRS 365.015, 401 KAR 5:037, 401 KAR 30:031, 401 KAR 47:025, 401 KAR 47:070, 401 KAR 47:080, 401 KAR 47:110, 401 KAR 47:160, 401 KAR 48:200. **It is strongly recommended that you obtain a complete set of solid waste statutes and regulations.** These may be ordered by calling the Program Planning and Administration Branch at (502) 564-6716. Statutes and regulations are also available at the following website address: www.lrc.state.ky.us/home.htm.

- All solid waste permit application forms are available at the following website address: www.nr.state.ky.us/nrepc/dep/waste/forms/forms.htm.

Submit the original and two copies of the completed application and all attachments to the Solid Waste Branch.

All signatures on the original application must be original.

Section I
APPLICATION FOR A REGISTERED PERMIT-BY-RULE
SOLID WASTE COMPOSTING FACILITY

Registrant (Owner or Operator) & Facility Information

1. New Application – Registration number will be assigned by the Cabinet.
 Modification – Registration # _____
2. Registrant Name _____
(corporation, business, person, or government agency that owns or operates the facility)
3. Registrant's Mailing Address _____
4. City _____ 5. State _____ 6. Zip _____ 7. County _____
8. Contact Person _____ 9. Title _____
10. Phone Number (____) _____ - _____ 11. Fax Number (____) _____ - _____
12. E-Mail Address _____
- What stream is nearest to the proposed facility? _____
14. Provide a complete description of the solid waste to be composted. **LABEL AS ATTACHMENT 1.**
15. What is the estimated daily and annual amount of waste that will be composted at the facility?
DAILY: Cubic Yards _____ Tons _____ ANNUAL: Cubic Yards _____ Tons _____
16. What disposal site will accept the residual waste or non-marketable compost from this facility?

Facility Name	Permit Number	State

17. List all anticipated sources of waste by county and state and estimate the monthly tonnage to be composted. If there are more than three (3) waste sources, provide the additional information and **LABEL AS ATTACHMENT 2**. If accepting waste from an entire state, write the state name in the space provided.

Source of Waste (County and State)	Monthly Quantity (Tons)

18. Describe the composting system which addresses the following. **LABEL AS ATTACHMENT 3**.
- The manufacturer's performance data for the mechanical composting systems;
 - The use of bulking agents, moisture control or feed amendments;
 - Temperature ranges and residence times;
 - Storage of composting during curing; and
 - Provisions for additional drying and screening.
 - Describe the method for reducing pathogens for waste such as manure or other putrescible waste. If not applicable, check here .
19. Provide a marketing and distribution plan. **NOTE:** If any fertilizer or soil conditioner claims are made concerning the final product, you must notify the Division of Regulatory Services, Poundstone Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275. **LABEL AS ATTACHMENT 4**.
20. Include one (1) current, original U.S.G.S. 7.5 minute topographic map with the original and each copy of the application. Clearly mark the location of the facility and property boundaries. Do not send aerial photographs in lieu of topographic maps. **LABEL AS ATTACHMENT 5**. Maps may be ordered by calling Map Sales at (502) 564-4715.

To Be Completed by the Cabinet	
Latitude <u> 3 </u> ° <u> </u> ' <u> </u> "	Longitude <u> 8 </u> ° <u> </u> ' <u> </u> "

21. Submit a site plan drawing showing all buildings, process and storage areas, roads, property boundaries, fences, etc. Include a North arrow. The site plan may be hand-drawn. **NOTE:** Composting facilities must comply with the buffer zone distance requirements of 401 KAR 48:200, Section 8(15). **LABEL AS ATTACHMENT 6**.

22. Provide specifications for the final product. LABEL AS ATTACHMENT 7.

Provide a closure plan for the composting site. LABEL AS ATTACHMENT 8.

24. Indicate the appropriate legal organizational structure of the registrant:

Proprietorship Corporation Partnership General Joint Venture

Partnership Limited Governmental Agency Other (describe) _____

25. Provide a notarized true and exact copy of the document which establishes the legal structure of the registrant and check the box that applies. LABEL AS ATTACHMENT 9.

Partnership agreement (partnership)

Certificate of Incorporation from the Kentucky Secretary of State (in-state corporation)

Certificate of Authority to transact business in Kentucky (out-of-state corporation)

Not Applicable (if the registrant is a sole proprietor or government entity)

26. If the registrant is a corporation, limited partnership, or general partnership operating under an assumed name, submit a copy of the approved Certificate of Assumed Name as provided by the Secretary of State. LABEL AS ATTACHMENT 10. If not applicable, check here .

27. If a corporation, identify the resident agent in Kentucky for service of process.

Name _____ Title _____

Address _____

Phone Number (_____) _____ - _____ Fax Number (_____) _____ - _____

28. If the owner of the property on which the proposed facility is to be located is not the registrant, then the registrant must submit a notarized statement (see ADDENDUM #1 attached to this application) signed by the property owner. If not applicable (if the registrant is the property owner), check here .

29. Publish a notice using ADDENDUM #2. Provide a tear sheet and affidavit of publication. LABEL AS ATTACHMENT 11.

30. I, _____, certify that a copy of this application has been
(Registrant's signature)

delivered to the governing body of the solid waste management area in which the facility will be located.

31. Pursuant to 401 KAR 47:160, Section 6, a responsible official (company owner, corporate officer, mayor, county judge executive, or other appropriate official) must sign the certification statement below. **Consultants or other persons may not sign the certification statement unless that person possesses and supplies a copy of a power of attorney.**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations."

Name (print) _____ Title _____

Signature _____

Subscribed and sworn to before me this _____ day of _____, Year _____

Notary Public Signature _____

State of _____ County of _____ My commission expires _____

Section II
REGISTRANT DISCLOSURE STATEMENT

Registrant's complete name (print) _____
(Registrant is the corporation, business, person, or government agency that owns or operates the facility)

2. State of Incorporation or Application _____

3. Mailing Address _____

4. City _____ 5. State _____ 6. Zip _____

7. Phone Number (_____) _____ - _____ 8. Fax Number (_____) _____ - _____

9. Provide the names of all key personnel as defined by KRS 224.01-010(44) and their titles or positions. Attach additional pages if necessary and **LABEL AS ATTACHMENT 12**. A completed Key Personnel Disclosure Statement (Section III) must be submitted with the application for each individual listed below. Sole proprietors and government agencies are not required to submit key personnel disclosure statements. If not applicable, check here .

Key Person

Title/Position

a. _____

b. _____

c. _____

d. _____

10. Submit a description of the registrant's experience in managing solid waste including any past or present permits or licenses held by the registrant within the previous five (5) years. **LABEL AS ATTACHMENT 13**. If not applicable, check here .

11. Submit a description of the registrant's experience in managing hazardous waste including any past or present permits or licenses held by the registrant within the previous five (5) years. **LABEL AS ATTACHMENT 14**. If not applicable, check here .

12. Submit a description of all civil and administrative complaints against the registrant and its key personnel for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than one thousand dollars (\$1,000) within five (5) years before the date of the submission of this application. If not applicable, check here .

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identity of all parties named in the complaint, the forum in which the complaint was filed, the identity of each state or federal agency involved with or named in the complaint,

REGISTRANT DISCLOSURE STATEMENT *continued*

the amount of the fine or penalty, whether the fine or penalty has been paid, the identity and description of each law or regulation violated or alleged to have been violated and upon which the fine or penalty is based; and state whether the fine was the result of settlement or agreed order, an administrative order, or a court judgment. If litigation is ongoing, describe any orders or judgments entered and describe the current status of the litigation. **LABEL AS ATTACHMENT 15.**

13. Submit a description of all civil and administrative complaints against the registrant and its key personnel for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a violation of a state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment. If not applicable, check here .

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identities of each party to the complaint, the forum in which the complaint was brought, the identity of each state or federal agency involved with or named in the complaint, an explanation of the alleged act or omission, the identity and a description of the environmental protection law or regulation alleged to have been violated, an explanation of all corrective action measures performed to correct or mitigate the alleged violation, and a description of the alleged endangerment to public health or to the environment. State whether the issues raised in the complaint have been resolved and whether the resolution was the result of a settlement or agreement, an administrative order, or a court order of judgment. If litigation on the allegation is ongoing, describe any orders or judgments entered and describe the present status of the litigation. **LABEL AS ATTACHMENT 16.**

- Submit a description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the registrant and its key personnel within five (5) years before the date of submission of this application. If not applicable, check here .

If applicable, each description shall include the following: the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation is a misdemeanor or a felony, and all actions and pleadings which have occurred or have been filed in association with the complaint. **LABEL AS ATTACHMENT 17.**

15. Submit a description of all judgments of criminal conviction entered against the registrant and its key personnel within five (5) years before the date of submission of this application for the violation of any state or federal environmental protection law. If not applicable, check here .

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgement, sentence imposed, the identity and a description of each law the registrant was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal. **LABEL AS ATTACHMENT 18.**

REGISTRANT DISCLOSURE STATEMENT continued

6. Submit a description of all judgements of criminal conviction of a felony under the laws of any state or the United States that are entered against the registrant and its key personnel within five (5) years before the date of submission of this application. LABEL AS ATTACHMENT 19. If not applicable, check here .

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgement, sentence imposed, the identity and a description of each law the registrant was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal. LABEL AS ATTACHMENT 20.

17. Submit a list of the names and addresses of all waste sites or facilities and solid waste management facilities in which the registrant or any of its key personnel has a financial or equitable interest, or is an officer, director, or manager. LABEL AS ATTACHMENT 21. If not applicable, check here .

Pursuant to 401 KAR 47:160, Section 6(4), "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information omitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations."

Name of Registrant's Responsible Official (print) _____ Title _____

Signature _____

Subscribed and sworn to before me this _____ day of _____, Year _____

Notary Public Signature _____

State of _____ County of _____ My commission expires _____

Section III
KEY PERSONNEL DISCLOSURE STATEMENT

**Sole proprietors and government agencies
are not required to submit key personnel disclosure statements.**

Before beginning, make additional blank copies of Section III for each person listed as key personnel in Section II, Item 9. All key personnel of the registrant are required to submit the following information to the Cabinet before the application can be accepted. This disclosure is also required prior to a change in key personnel of the registrant.

1. Key Person (print) _____
2. Mailing Address _____
3. City _____ 4. State _____ 5. Zip _____
6. Phone Number (_____) _____ - _____ 7. Fax Number (_____) _____ - _____
8. What is the relationship between the registrant and key person? Reference KRS 224.010-010(44).
 Partner Shareholder Corporate Official Other _____

Submit a description of the key person's experience in managing solid waste including any past or present permits or licenses held by the key person within the previous five (5) years. LABEL AS ATTACHMENT 22. If not applicable, check here .

10. Submit a description of the key person's experience in managing hazardous waste including any past or present permits or licenses held by the key person within the previous five (5) years. LABEL AS ATTACHMENT 23. If not applicable, check here .
11. Submit a description of all civil and administrative complaints against the key person for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than one thousand dollars (\$1,000) within five (5) years before the date of the submission of this application. If not applicable, check here .

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identity of all parties named in the complaint, the forum in which the complaint was filed, the identity of each state or federal agency involved with or named in the complaint, the amount of the fine or penalty, whether the fine or penalty has been paid, the identity and description of each law or regulation violated or alleged to have been violated and upon which the fine or penalty is based; and state whether the fine was the result of settlement or agreed order, an administrative order, or a court judgment. If litigation is ongoing, describe any orders or judgments entered and describe the current status of the litigation. LABEL AS ATTACHMENT 24.

KEY PERSONNEL DISCLOSURE STATEMENT continued

12. Submit a description of all civil and administrative complaints against the key person for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a violation of a state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment. If not applicable, check here .

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identities of each party to the complaint, the forum in which the complaint was brought, the identity of each state or federal agency involved with or named in the complaint, an explanation of the alleged act or omission, the identity and a description of the environmental protection law or regulation alleged to have been violated, an explanation of all corrective action measures performed to correct or mitigate the alleged violation, and a description of the alleged endangerment to public health or to the environment. State whether the issues raised in the complaint have been resolved and whether the resolution was the result of a settlement or agreement, an administrative order, or a court order of judgment. If litigation on the allegation is ongoing, describe any orders or judgments entered and describe the present status of the litigation. **LABEL AS ATTACHMENT 25.**

13. Submit a description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the key person within five (5) years before the date of submission of this application. If not applicable, check here .

If applicable, each description shall include the following: the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation is a misdemeanor or a felony, and all actions and pleadings which have occurred or have been filed in association with the complaint. **LABEL AS ATTACHMENT 26.**

14. Submit a description of all judgments of criminal conviction entered against the key person within five (5) years before the date of submission of this application for the violation of any state or federal environmental protection law. If not applicable, check here .

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgement, sentence imposed, the identity and a description of each law the key person was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal. **LABEL AS ATTACHMENT 27.**

15. Submit a description of all judgements of criminal conviction of a felony under the laws of any state or the United States that are entered against the key person within five (5) years before the date of submission of this application. **LABEL AS ATTACHMENT 28.** If not applicable, check here .

KEY PERSONNEL DISCLOSURE STATEMENT continued

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgement, sentence imposed, the identity and a description of each law the key person was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal. **LABEL AS ATTACHMENT 29.**

16. Submit a list of the names and addresses of all waste sites or facilities and solid waste management facilities in which the key person has a financial or equitable interest, or is an officer, director, or manager. **LABEL AS ATTACHMENT 30.** If not applicable, check here .

Pursuant to 401 KAR 47:160, Section 6(4), "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations."

Name of key person (print) _____ Title _____

Signature _____

Subscribed and sworn to before me this _____ day of _____, Year _____

Notary Public Signature _____

State of _____ County of _____ My commission expires _____

ADDENDUM #1

OWNER'S ACKNOWLEDGEMENT OF LIABILITY

- 1. Property Owner (print) _____
- 2. Mailing Address _____
- 3. City _____ 4. State _____ 5. Zip _____
- 6. Contact Person _____ 7. Title _____
- 8. Phone Number (_____) _____ - _____ 9. Fax Number (_____) _____ - _____
- 10. E-Mail Address _____

I am aware of the facility that has been proposed for my property; and, I have been given a copy of the application outlining this project. I hereby give permission for the registrant to proceed with this project. I understand that I am fully liable if the registrant fails to comply with the statutory and regulatory requirements for composting facilities, including any enforcement actions by the Energy and Environment Cabinet.

Signature _____

Subscribed and sworn to before me this _____ day of _____, Year _____

Notary Public Signature _____

State of _____ County of _____ My commission expires _____

ADDENDUM #2

1. Fill in all blanks.
Submit this notice for publication to a newspaper of general circulation in the county where the proposed waste management facility will be located.
3. Inform the newspaper that the public notice shall be of a size to include not less than two (2) column widths for advertising and shall be in a display format.
4. Request a tear sheet and affidavit of publication from the newspaper publishing the notice. The tear sheet and affidavit must be submitted to the Division of Waste Management along with your completed application. LABEL AS ATTACHMENT 11.

**PUBLIC NOTICE
REGISTERED PERMIT-BY-RULE**

_____ proposes to submit an application for a registered
(facility owner or operator)
permit-by-rule composting facility to the Energy and Environment Cabinet, Division of
Waste Management, pursuant to 401 KAR 47:110. The registration shall become effective five (5) business
days after the Cabinet receives it unless the Cabinet denies the registration within that time. The proposed
facility will:

(description of business conducted)

The proposed facility will be located at the following address:

(facility name)

(facility address)

(city, state, zip)

For questions regarding this proposed facility, contact:

_____ at _____
(facility owner or operator) (phone number including area code)

Questions concerning the application process for registered permits-by-rule can be directed to the Division of
300 Sower Boulevard,
Waste Management, Solid Waste Branch, Second Floor Frankfort, KY 40601, (502) 564-6716.

DEP 7059-A

(November 2016)