

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  
LESS-THAN-ONE-ACRE  
CONSTRUCTION/DEMOLITION  
DEBRIS (CDD) LANDFILL**

**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 the 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".
- It is strongly recommended that you contact the regional field office for your area to get a site suitability inspection conducted before beginning construction.
- 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 less-than-one-acre construction/demolition debris landfill shall comply with the operator certification requirements of KRS 224.40-605.
- DEP 7046 must be maintained on site at all times to comply with regulatory recordkeeping requirements. Detach this form now. Do not return DEP 7046 when submitting this application.

The statutes and regulations that apply to less than one acre construction/demolition debris landfills include, but are not limited to, the following: KRS 224.01-010, KRS 224.40-120, KRS 224.40-305, KRS 224.40-330, 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 47:120, 401 KAR 47:160, 401 KAR 48:050, 401 KAR 48:310, and 401 KAR 48:320. It is strongly recommended that you obtain a complete set of solid waste statutes and regulations. These can 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](http://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](http://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.**

DEP 7059-H

(November 2016)

**Section I**  
**APPLICATION FOR A REGISTERED PERMIT-BY-RULE**  
**LESS-THAN-ONE-ACRE**  
**CONSTRUCTION/DEMOLITION DEBRIS LANDFILL**

**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 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 \_\_\_\_\_
- Facility Name \_\_\_\_\_
14. Facility Location \_\_\_\_\_  
(street or physical location only – no P. O. Box numbers)
15. City \_\_\_\_\_ 16. Zip \_\_\_\_\_ 17. County \_\_\_\_\_
18. Facility Contact Person \_\_\_\_\_ 19. Title \_\_\_\_\_
20. Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ 21. Fax Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_
22. E-Mail Address \_\_\_\_\_
23. What community is nearest to the proposed facility? \_\_\_\_\_
24. What highway intersection is nearest to the proposed facility? \_\_\_\_\_ & \_\_\_\_\_
25. What stream is nearest to the proposed facility? \_\_\_\_\_
26. What is the estimated daily and annual amount of waste that will be disposed at the facility?  
DAILY: Cubic Yards \_\_\_\_\_ Tons \_\_\_\_\_ ANNUAL: Cubic Yards \_\_\_\_\_ Tons \_\_\_\_\_

7. What disposal site will accept any non-construction/demolition debris waste from this facility?

Facility Name	Permit Number	State

28. List all anticipated sources of waste by county and state and estimate the monthly tonnage to be disposed. If there are more than three (3) waste sources, provide the additional information and LABEL AS ATTACHMENT 1. If accepting waste from an entire state, write the state name in the space provided.

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

29. Describe, in detail, the following: the equipment to be used, operating hours, number of personnel on site daily, and the contingency plans for emergencies such as fire, spills, and equipment failure, etc. LABEL AS ATTACHMENT 2.

30. 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 3. Maps may be ordered by calling Map Sales at (502) 564-4775.

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

31. Submit a site plan drawing showing all buildings, roads, property boundaries, fences, etc. Include a North arrow. The site plan may be hand-drawn. LABEL AS ATTACHMENT 4.

32. Is the proposed facility located in a wellhead protection area?  Yes  No If yes, provide engineering drawings that meet the requirements of 401 KAR 48:320, Section 3. LABEL AS ATTACHMENT 5.

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

Proprietorship     Corporation     Partnership General     Joint Venture

Partnership Limited     Governmental Agency     Other (describe) \_\_\_\_\_

34. 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 6.

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)

35. 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 7. If not applicable, check here .

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

Name \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

37. If the owner of the property on which the proposed landfill 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 .

38. Publish a notice using ADDENDUM #2. Provide a tear sheet and affidavit of publication LABEL AS ATTACHMENT 8.

39. 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.

40. Attach your Performance Bond (Form # DEP 6053-A) along with the appropriate financial assurance mechanism (i.e., letter of credit, surety bond, certificate of insurance, etc.). Government agencies are required to provide financial assurance in the form of a Fiscal Year Budget. Budgets are to be revised and submitted annually. LABEL AS ATTACHMENT 9.

Contact the Solid Waste Branch, Permit Administration Section, at (502) 564-6716 for the appropriate financial assurance forms and/or questions about completing these forms.

1. 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**

1. 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 10. 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 11. 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 12. 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, 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

**REGISTRANT DISCLOSURE STATEMENT continued**

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 13.**

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 14.**

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 15.**

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 16.**

16. 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 17.** If not applicable, check here .



**REGISTRANT 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 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.

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 19. 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 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 20. 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 21. 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 22.

**KEY PERSONNEL DISCLOSURE STATEMENT continued**

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 23.

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 24.

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 25.

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 26. 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.

**KEY PERSONNEL DISCLOSURE STATEMENT continued**

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 28. 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 less-than-one-acre construction/demolition debris landfills, 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 7.**

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

\_\_\_\_\_ proposes to submit an application for a registered  
(facility owner or operator)  
permit-by-rule less-than-one-acre construction/demolition debris 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  
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  
Waste Management, Solid Waste Branch, 300 Sower Boulevard, Second Floor, Frankfort, KY 40601, (502) 564-6716.