

Kentucky Environmental Permits & Authorizations

Mission

PROTECT AND ENHANCE KENTUCKY'S ENVIRONMENT TO
IMPROVE THE QUALITY OF LIFE OF ALL KENTUCKIANS.

The Department for Environmental Protection consists of six environmental Divisions: air, waste, water, enforcement, compliance assistance and program support.

Many businesses operate or engage in activities that require an environmental permit or authorization.

The divisions within the department are charged with the responsibility of protecting human health and the environment by implementing and ensuring regulated entities comply with federal and state laws and regulations, while providing certainty for businesses to allow for continued economic growth and prosperity within the Commonwealth.



UNDERSTANDING PERMITS

Environmental permits are required by federal, state and sometimes local governments to ensure that business and construction minimize potential impacts on human health and the local environment. The specific environmental regulations and permits that could apply to the construction and operation of a facility may vary depending on the specific location, breadth of activities and potential pollutants emitted. Permits provide a framework for the amount of pollution that may be emitted during a specific timeframe and explain how the pollutants are to be managed.

WHY DO I NEED A PERMIT?

Activities that have the potential to impact human health and the environment may require an environmental permit. Even minor activities when combined can create the potential for significant impacts. The Kentucky Department for Environmental Protection (DEP) implements programs that control air, water and waste pollution sources.

WHEN SHOULD AN APPLICATION BE SUBMITTED?

Many DEP programs require that facilities and operators obtain permits or authorizations prior to engaging in certain air, water and waste activities. Dependent on the type of permit required, some construction and/or operation activities may begin upon or shortly after submittal of a complete application. A permit application should be submitted with the knowledge of department review and approval timeframes.

HOW LONG DOES IT TAKE?

The regulatory timeframe for review and issuance of any permit, which covers both construction and operation of the source, is dependent on the size and complexity of the source and the type of permit required. The regulatory timeframe indicates the maximum time it should take to receive a final permitting determination from the agency assuming a complete application has been received. The agency is committed to reviewing permit applications as expeditiously as possible, while ensuring that all approvals are appropriate.

EXPEDITE YOUR PERMIT

The department is sensitive to the compressed timelines that are associated with the startup or expansion of a business. Applicants proposing large scale, complex or controversial projects, or major modifications to existing authorizations or permits are strongly encouraged to request a ***pre-authorization meeting*** with the appropriate DEP personnel. Below are a few steps to help expedite permit application processing.

- Determine all permits or authorizations necessary for intended activities.
- Submit an application as soon as possible.
- Be aware of review and approval timeframes. Talk to the agency about your desired time line; the more the agency understands your situation, the more effectively it can prioritize.
- Make sure all applications are complete and accurate before submission. Often, delays occur simply because the agency has not received the information needed to make a final decision.

FEES

Certain permits or approvals have associated fees which are dependent on the type of permit and source.

A Kentucky Division for Air Quality (DAQ) permit is required for the construction and operation of an air contaminant source and its air pollution control equipment. An "air contaminant or air pollutant" includes smoke, dust, soot, carbon or any particulate matter, radioactive matter, noxious acid, fumes, gases, odor, vapor or any combination of these items.

AIR PERMITTING

The type of permit is dependent on the amount of air pollutants that the facility has the **Potential-to-Emit** if the facility were to operate with all processes operating at maximum capacity. Air emissions are to be identified by the amount of regulated air pollutants (RAP), individual hazardous air pollutants (HAPs) and total combined hazardous air pollutants (HAPs) that the entire source has the potential-to-emit.

A **NONATTAINMENT AREA** is a geographic area where air pollution levels exceed National Ambient Air Quality Standards. These areas may be subject to additional regulatory requirements.

AIR PERMIT THRESHOLDS



The level of permitting is determined by the thresholds to which the facility will potentially emit air pollutants. Visit DAQ's air permitting website for more detailed permit information or go to: www.air.ky.gov.

Smaller sources are referred to as minor sources. Some minor sources may not require a permit or registration if the potential emissions are less than threshold requirements.

Permitted Thresholds

- **Registration:** (401 KAR 52:070) is for sources that have the potential-to-emit less than 25 ton per year (tpy) of a RAP, less than 10 tpy HAPs, and less than 25 tpy HAPs'.
- **State Origin Permit:** (401 KAR 52:040) is required for facilities that have the potential-to-emit less than 100 tpy of a RAP.
- **Federally-Enforceable State Operating Permit (FESOP):** (401 KAR 52:030) A FESOP allows sources to elect for federally-enforceable emission limitations within the permit so the facility is not considered a major source.
- **Title V Permit (Stationary Major Sources):** (401 KAR 52:020) New construction of a major source may require a New Source Review construction permit. For operating or expansion a **Title V Permit** is required when the potential emissions are greater than minor source thresholds.

Air quality in **JEFFERSON COUNTY** is administered by the Louisville Air Pollution Control District.
Louisvilleky.gov/apcd

ASBESTOS

Building renovation or demolition projects must be thoroughly surveyed for asbestos by a Kentucky accredited Asbestos Inspector prior to starting work. A Certified Asbestos Contractor is required to abate the asbestos containing material that will be disturbed. All demolitions, renovations or abatement work requires a 10-day notification (DEP 7036 form) whether or not asbestos is present in the building. If asbestos is present in the building, with some exceptions, it will have to be removed in an appropriate manner before demolition. For more information contact the DAQ at (502) 564-3999 or visit <http://air.ky.gov/Pages/AsbestosInformation.aspx>.

The Kentucky Division of Waste Management (DWM) permit requirements are determined by the type and quantity of waste and the activity conducted, whether generated, stored, transported and/or recycled. DWM permits may also be required for the reuse of certain wastes instead of disposal at landfills, which have to be appropriately permitted.

SOLID AND SPECIAL WASTE

- **Off-site disposal** at a landfill or other permitted waste site or facility does not require a permit from DWM. To arrange off-site disposal, contact a commercial waste hauling company or the Solid Waste Coordinator in your county for available services. The hauling company must have a solid waste transporter's permit from the Kentucky Transportation Cabinet.
- **"Formal" Permits** are required for certain types of landfills if they contain a specialty waste.
- **Waste Tires:** Accumulation of >25 waste tires for the purpose of processing, >50 tires for transporting, or accumulation at one time >100 tires. Auto dealers and tire retailers must register if >1,000 tires are accumulated.
- **Registered Permit-by-Rule** is required for a limited number of solid and special waste facilities, including medical and solid waste transfer facilities, composting and land application facilities, one-acre construction demolition debris (CDD) landfills, sludge give-a-way and sludge storage and treatment.



UNDERGROUND STORAGE TANKS

Underground Storage Tank (UST) installation, operation and removal are regulated by DWM. All underground storage tanks must be registered with the DWM within 30 days of beginning use. Prior to purchasing a UST system, assess the system's condition and compliance record, and inform yourself of all operational requirements. Both installation of underground and aboveground storage tanks, as well as repairs and modifications of existing systems are permitted through the Department of Housing, Buildings and Construction, State Fire Marshal.

HAZARDOUS WASTE

A **Hazardous Waste Generator Registration** with DWM is required for large (LQG) and small (SQG) quantity hazardous waste generators. Very Small Quantity Generators (VSQG) are not required to register unless an EPA Id is required. Generator status will affect hazardous waste management, including containers, storage timeframes, recordkeeping and reporting requirements. Requirements for generators of hazardous wastes are the same as the U. S. Environmental Protection Agency. There are various registration and annual fees, depending on the number of waste streams; annual Hazardous Waste Reports are required by Kentucky. For more information visit <http://waste.ky.gov/HWB/Pages/default.aspx>.

| HAZARDOUS WASTE GENERATOR CLASSIFICATIONS | | |
|---|----------------------------------|-----------------------|
| Generator Class | Generated in One Calendar Month* | Acute Hazardous Waste |
| LQG | ≥ 2,200 lbs. | > 2.2 lbs. |
| SQG | > 220 - < 2,200 lbs. | ≤ 2.2 lbs. |
| CESQG | ≤ 220 lbs. | |

*The amount generated in one calendar month cannot be averaged.

A Kentucky Division of Water (DOW) permit is required whenever activities involve a discharge into the waters of the Commonwealth, a withdrawal of water, disturbances within a floodplain or a water resource may be threatened. DOW permits may be required for construction activities or activities associated with wastewater treatment plants or public water systems.

KPDES OPERATING PERMITS

All discharges to the waters of the Commonwealth require a Kentucky Pollutant Discharge Elimination System (KPDES) permit. Wastewater discharges can be produced from construction activities, industrial processes, material handling, other operations or treatment activities. Many facilities of this type, including sanitary treatment facilities, require an **individual** permit. **General** permits have been developed for some source categories (SIC Code) and their wastewater discharges.

To find out more about what type of permit your facility may need visit, www.water.ky.gov.



DRINKING WATER

Drinking water authorizations are required if a facility treats its water and is a public water system. Construction for this operation shall not begin until approval is received. In addition, prior to construction the facility must ensure that the anticipated drinking water source has adequate capacity and infrastructure available to deliver sufficient water to the facility.

FLOODPLAIN, DAMS & SECTION 401 WQC

Prior to construction, reconstruction or relocation of any obstruction or impediment within a floodplain or floodway, a **Floodplain Construction Permit** may be required. Types of activities that may require a permit include dams, low water crossings or other impediment structures.

For projects that propose activities or operations that discharge dredged or fill material into waters of the commonwealth, including lakes and wetlands must obtain a **Section 401 Water Quality Certification** (401 WQC).

Section 404 Nationwide Permits are issued by the U.S. Army Corps of Engineers often alongside state requirements for a 401 WQC.

GROUNDWATER PROTECTION

A **Groundwater Protection Plan** should be developed and implemented when a facility handles substances or materials that could be discharged into waters of the Commonwealth and cause or have the potential to cause degradation.

WATER WITHDRAWAL

If raw water, at a rate of 10,000 gallons or more, is to be withdrawn from a surface or groundwater source then a **Water Withdrawal Permit** must be obtained prior to any water withdrawal.

Local Authorizations

Septic System Installation: Facilities wanting to install a septic tank should contact the local health department for assistance and approval.

Flow to a Municipal System: A facility may be required to meet pretreatment limits set by the local utility accepting wastewater flow prior to discharging process wastewater from the facility.

Municipal Separate Storm Sewer System (MS4): If a facility is located within a MS4 area, there may be additional requirements per local ordinances.

Assistance & Resources

The Division of Compliance Assistance (DCA) assists businesses, individuals and organizations in complying with environmental requirements. For technical questions or compliance needs contact the division at:

Hotline: (502) 782-6189

Email: envhelp@ky.gov

Online: DCA.ky.gov

Kentucky Department for Environmental Protection

Commissioner's Office

(502) 564-2150

DEP.ky.gov

Division for Air Quality
(DAQ)

502-564-3999

Air.ky.gov

Division of Waste
Management (DWM)

502-564-6716

Waste.ky.gov

Division of Water
(DOW)

502-564-3410

Water.ky.gov

Call the Environmental Response Team (ERT)
to report an environmental emergency
24 hours a day, 7 days a week.

800-928-2380

<http://dep.ky.gov/pages/ert.aspx>

This document highlights only the major permits and authorizations typically issued by the department; it does not cover every permit or authorization. Individuals are encouraged to contact the department to ensure that they receive a comprehensive understanding of all of the permits or authorizations that may apply to their unique circumstances. This document is not a substitute for Kentucky's statutes and regulations governing the applicability and issuance of environmental permits.