

## Ky. Department for Environmental Protection Regulatory Considerations for C & D Activities

*Simplifying Compliance*



At the Department for Environmental Protection (DEP), we are concerned with minimizing contamination to the environment (soil, air, water) and proper disposal of any contaminated materials. The following provides brief descriptions and resource links for common DEP regulations associated with construction and demolition activities. In addition to the resources provided for each topic, KY DEP regulations are housed in the Kentucky Administrative Regulations [Title 401](#), and all DEP application forms are conveniently located in an [online library](#). Failure to be aware of regulatory responsibilities does not provide protection from potential enforcement action. The following information introduces potentially applicable regulations, but does not serve as a comprehensive resource or substitute for reading and understanding DEP regulations.

The following buttons link to additional information and resources regarding the topics.



*Document or Resource*



*Website*



*Learning Module  
(requires [Adobe flash](#))*

### DIVISION FOR AIR QUALITY

#### *Fugitive Dust*

If you own a business or perform operations that can create dust, you are likely subject to the fugitive emissions regulation ([401 KAR 63:010](#)) and must take every reasonable precaution to control the fugitive dusts and keep them within your property boundary. Fugitive dust regulations apply to any apparatus, operation or road that does emit or may emit fugitive emissions if those emissions are not elsewhere subject to an opacity standard in Kentucky air quality regulations.



#### *Open Burning*

Open burning is the means of burning without a chamber, stack or chimney with control devices approved and/or permitted by the Kentucky Division for Air Quality. Open burning is a risk to human health and the environment, and there are many materials that are never legal to burn. In addition to the DEP air quality regulations ([401 KAR 63:005](#)), other state regulations, such as those by the Kentucky Division of Forestry, State Fire Marshal's Office and local regulations regarding outdoor fires and restrictions may apply.



#### *Asbestos*

Prior to renovation or demolition, a Kentucky-accredited asbestos inspector must thoroughly inspect the facility for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material. Every demolition project requires a 10-day demolition notification regardless of whether asbestos is involved. The notification is DEP Form 7036 Notification of Asbestos Abatement/Renovation/Demolition Activities. You are not required to notify if you are working at a single-family private residence unless you are demolishing or renovating more than one home or it is part of a larger regulated project. Jefferson County is the only county in the state that has different regulations.



Division of Compliance Assistance

800-926-8111

[envhelp@ky.gov](mailto:envhelp@ky.gov)

[DCA.ky.gov](http://DCA.ky.gov)

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#### DIVISION OF WATER

##### Stormwater

The site may require a stormwater permit if construction activities disturb one (1) or more acres. A stormwater permit may also be required if activities, including storage, expose potential pollutants to stormwater.



##### Stream/Floodplain

Construction within a 100-year floodplain or modification of a stream may require a Floodplain Construction Permit and/or Water Quality Certification (WQC).



#### DIVISION OF WASTE MANAGEMENT

##### Hazardous Waste Generation

Determine if wastes are hazardous and how much will be generated per calendar month. The hazardous waste generator status determines the requirements a facility must meet.



##### Construction/Demolition Debris (CDD) Landfill

Less than one acre CDD landfills must be permitted before accepting waste. CDD may also be disposed of in a permitted solid waste landfill.



##### Recycling

Always consider recycling as one of the best ways to manage waste. Remember, recycling not only minimizes waste disposal and is better for the environment, but it can also generate money.



#### CABINET FOR HEALTH AND FAMILY SERVICES (NON-DEP REGULATIONS)

##### Lead-Hazard Detection and Abatement

Homes built before 1978 often contain high levels of lead. The most common sources of lead in construction and demolition projects involve lead-based paint and lead-contaminated soils. Contact: KY CHFS, Environmental Lead Program at 502-564-4537.



*This document is not a comprehensive list of KY DEP regulations.*



#### DIVISION OF COMPLIANCE ASSISTANCE

For more information on environmental permitting, contact:

800-926-8111 ENVHELP@KY.GOV DCA.KY.GOV



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