

# At a Glance

Kentucky Department for Environmental Protection



## ABOUT PERMITTING AND AUTHORIZATIONS

*This document highlights only the major permits and authorizations that are 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.*



Division of Compliance Assistance  
(800) 926-8111  
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[DCA.ky.gov](http://DCA.ky.gov)

## 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 range or maximum 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 significantly impact the environment or pose a human health risk 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.

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 the 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 rapidly as possible, while ensuring that all approvals are appropriate.

When Should an Application be Submitted?

### FEEES

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

## EXPEDITE YOUR PERMIT

The department is sensitive to the compressed timelines that are associated with the startup or expansion of a business. The agency is committed to reviewing permit applications as rapidly as possible, while ensuring that all approvals are appropriate. 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 staff personnel. Below are a few steps to help expedite permit application processing.

- Determine all permits or authorizations necessary for intended activities.
- Be aware of review and approval time lines associated with the necessary permits. Talk to the agency about your desired time line; the more the agency understands your situation, the more effectively it can prioritize its work.
- Make sure that 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.
- Submit applications as soon as possible. The longer you wait to submit an application, the harder it is for the agency to accommodate your time constraints.

Work with the Division of Compliance Assistance (DCA). The division can help identify the permits applicable at your location and facilitate discussions with the agency's permit reviewers.

# AIR QUALITY

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 24 hours a day, 7 days a week 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 (HAPi) and total combined hazardous air pollutants (HAPt) that the entire source has the potential-to-emit.



### AIR PERMIT THRESHOLDS

The level of permitting is determined by the thresholds to which the facility will potentially emit air pollutants. 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 10 tons per year (tpy) of a RAP, 2 tpy of HAPi, and 5 tpy of HAPt and the source is not subject to a federally applicable rule. A **Registration** is for sources that have the potential-to-emit less than 25 ton per year (tpy) of a RAP, less than 10 tpy HAPi, and less than 25 tpy HAPt. A **State Origin Permit** is required for facilities that have the potential-to-emit less than 100 tpy of a RAP.

When a facility has the potential-to-emit more than a minor source, but the actual emissions from the operations would be less than minor source thresholds, the facility may request to have a **Federally Enforceable State Operating Permit (FESOP)**. A FESOP allows sources to elect for federally enforceable emission limitations within the permit so that the facility does not enter major source status.

A major source, or **Title V Permit**, is required when the potential emissions are greater than minor source thresholds. A **Prevention of Significant Deterioration (PSD)** permit is for sources that exceed Title V thresholds, located within attainment areas for a pollutant and often include certain industry categories with specific limitations.

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



The regulatory authority for air quality in  
JEFFERSON COUNTY  
is the Louisville Air Pollution Control District.  
[Louisvilleky.gov/apcd](http://Louisvilleky.gov/apcd)

## AIR PERMITTING, CONT.

### AIR POLLUTANTS

Regulated Air Pollutants (RAPs) include nitrogen oxides, volatile organic compounds and pollutants promulgated by national primary and secondary air ambient quality standards, stratospheric ozone protection, new source performance standards, or as a hazardous air pollutant (401 KAR 52:001, Section 1(60)). Hazardous air pollutants (HAPs) are chemicals that are known to cause or contribute to serious human health risks or adverse environmental effects. A list of all HAPs can be found in Section 112(b)(1) of the Clean Air Act; any deletion and redefinition of a HAPs is listed within 40 CFR 63, Subpart C.



### FEDERAL RULE APPLICABILITY

In addition to Kentucky's air quality regulations (401 KAR Chapters 50 to 65) there are federal air quality regulations that may apply. These rules are referred to as New Source Performance Standards (40 CFR 60) and National Emission Standards for Hazardous Air Pollutants (40 CFR 63). Applicability of an NSPS or NESHAP is source-specific and pollutant-targeted and may have specific permitting implications. If a federal rule is applicable to a source, at a minimum, the submission of a registration application is required.



## ASBESTOS CONTROL AND LICENSING

The type of permit is dependent on the Prior to a renovation or demolition project, a building must be thoroughly surveyed for asbestos by a Kentucky accredited Asbestos Inspector prior to starting work. A renovation project that will disturb asbestos over threshold amounts, in accordance with 40 CFR 61, Subpart M, must submit a 10-day notification (DEP 7036 form). A Certified Asbestos Contractor is required to abate the asbestos containing material that will be disturbed. A renovation project that will disturb asbestos in amounts under thresholds but over three square- or linear-feet, do not need to submit a notification but require a licensed Asbestos Abatement Worker or Supervisor to complete the work. All demolitions require 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 before demolition; the asbestos abatement activities require a 10-day notification. Some exceptions may apply to asbestos work in a single-family private residence (up to 4 dwelling units).

# WASTE MANAGEMENT

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.

## HAZARDOUS WASTE

### GENERATOR REGISTRATION

#### HAZARDOUS WASTE ACTIVITIES

A **Hazardous Waste Generator Registration** with DWM is required for large (LQG) and small (SQG) quantity hazardous waste generators. Conditionally Exempt Small Quantity Generators (CESQG) have associated hazardous waste management standards. Generator status will affect hazardous waste management, including containers, storage timeframes, recordkeeping and reporting requirements. The Ky. DWM requirements for generators of hazardous wastes are the same as the U. S. Environmental Protection Agency (EPA), except that: Neutralization of alkaline wastes in an enclosure is exempt from permitting; there are various registration and annual fees, depending on the number of waste streams; annual Hazardous Waste Reports are required as opposed to EPA Biannual Reports.

#### 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.

#### ONSITE TREATMENT

Hazardous wastes may be treated onsite by the generator under certain conditions and with approval by DWM. An initial proposal for onsite treatment activities by a generator must be accompanied with a clear explanation of the process, a description of all wastes to be handled by the process, capacity of the process, type of unit in which the process will be conducted, documentation that the process will adequately protect public health and the environment and other pertinent information. A treatment on-site checklist is available from DWM Hazardous Waste Branch.

#### UNIVERSAL WASTE

Universal waste, in Kentucky, includes batteries, unused pesticides, mercury-containing thermostats and spent lamps. Kentucky universal wastes do not include mercury-containing devices, such as switches, relays or pressure gauges, which must be managed as hazardous waste. Registration is required if generating or accumulating 11,000 pounds or more universal waste at one time or treating, disposing or recycling of universal waste on-site.

Many hazardous waste, universal waste and used oil activity notifications are to be submitted on the Notification of Hazardous Waste Activity (DEP 7037 form) to DWM.

#### USED OIL

Used oil activities require registration when transporting, processing/refining, fuel marketing or burning off-specification used oil. A used oil transporter or transfer facility includes activities of transporting used oil, collecting used oil from more than one generator and transporting the collected used oil or owning/operating a used oil transfer facility. Used oil fuel marketers direct shipments of off-specification used oil from their facility to a used oil burner or are the first person to claim that used oil to be burned for energy recovery meets the used oil specifications in 401 KAR 44:010, Section 2.

### TREATMENT, STORAGE AND DISPOSAL

A **Hazardous Waste Treatment, Storage and Disposal (TSD) Permit** from DWM must be received prior to the construction or operation of a facility for the treatment, storage or disposal of solid, special and/or hazardous waste on-site. Some industries choose to permit a storage facility, which allows a generator to hold containers or tanks for a longer period of time.

## 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.

### REGISTERED PERMIT-BY-RULE

A **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-away and sludge storage and treatment. These permit applications may require public notice. Typically, the time frame from submittal to final decision is several months though some types of permits have a five-day review period and the permittee may begin operation once that time has passed unless the application is denied. Recycling facilities that accept only "recovered materials" as defined by statute are exempt from permitting requirements.

### WASTE TIRES

Any person that accumulates more than 25 waste tires for the purpose of processing, transports more than 50 waste tires at one time or accumulates more than 100 waste tires is required to register with DWM. Automotive recycling dealers and new tire retailers that accumulate more than 1,000



waste tires are also required to register. A registrant is to post financial assurance for facility closure and corrective action and receive approval from DWM before beginning the operation.



### FORMAL PERMITS

A "formal" permit is required for facilities such as contained, residual, and special waste landfills, as well as construction and demolition landfills that are larger than one acre. These facilities are classified based on the type of waste they can dispose, and have design specifications tailored to the specific wastes. These permits are typically reviewed in three phases: Notice of Intent, Administrative Application, and Technical Application. Additionally, these permits require local determination, public notices, and public comment periods. For these reasons, the review of formal permits is a more involved process and may take up to two years from initial submittal to final decision.

## 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.



# WATER QUALITY

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

## KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES)

### KPDES OPERATING PERMITS

All discharges to the waters of the Commonwealth require a **KPDES operating permit**. Wastewater discharges can be produced from process operations or the treatment of wastes. Many facilities of this type, including sanitary treatment facilities, require an **individual** permit. **General** permits have been developed for some source categories and their wastewater discharges.

Stormwater discharges are associated with the exposure of stormwater to industrial and commercial materials or activities that occur outdoors and have the potential to discharge pollutants to the waters of the Commonwealth. Certain facilities, identified by the Standard Industrial Classification (SIC) codes, are required to submit an application for a **general** stormwater permit 15 days prior to operation. A facility that is not eligible for coverage under a general permit may be required to apply for an **individual** KPDES permit.

A **Construction Stormwater Permit** is a temporary permit to be obtained prior to beginning construction or expansion activities that will disturb one or more acres. A Notice of Intent, submitted electronically, is required at least seven days prior to construction.



Other types of permitting and approvals associated with wastewater include:

**KY No Discharge Operational Permit (KNDOP):** Approval of a no-discharge application is required for the operation of a closed circuit, subsurface injection or land application wastewater system.

**KY Inter-System Operations Permit (KISOP):** A KISOP is required prior to operation of a public- or private-owned sewer system with 5,000 linear feet or more of sewer line that discharges to a sewer system or wastewater treatment plant owned by another system.

### LOCAL AUTHORIZATIONS

**Septic System Installation:** Facilities that wish to install a septic system will need to work with the local health department to get the septic system approved.

**To a Municipal System:** A facility must meet pretreatment limits set by the local authority accepting the wastewater and obtain approvals or permits from that authority prior to discharging.

**Municipal Separate Storm Sewer System (MS4):** If a facility is located within a political boundary that has an MS4, there may be additional requirements per local ordinances.

## 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.

## SECTION 401 WATER QUALITY CERTIFICATION (WQC)

For projects that propose any activities or operations that discharge of dredged or fill into waters of the State, including streams, lakes and wetlands, regardless of whether on private or public property, must obtain a **Section 401 Water Quality Certification** (401 WQC) from the state. A 401 WQC certifies activities and operations conducted under federal licenses and permits. Examples of federal licenses and permits that are subject to 401 WQC from Ky. DOW include Clean Water Act Section 404 permits for discharge of dredged or fill material issued by the U.S. Army Corps of Engineers (USACE), Federal Energy Regulatory Commission (FERC) hydropower licenses, and Rivers and Harbors Act Section 9 and Section 10 permits for activities that have a potential discharge in navigable waters issued by the USACE.

Section 404 Nationwide Permits, issued by U.S. Army Corps of Engineers (USACE), may be certified by Ky. DOW with a **General 401 WQC**. These predetermined, general 401 WQC for USACE Nationwide Permits substantially expedite the permitting process and are for certain projects that are similar in nature, cause minimal degradation to waters of the state and do not occur within a designated Outstanding State Resource Water (OSRW). The certification of Nationwide Permits can be certified as written, certified with conditions or denied a general 401 WQC. If a project is larger in scale, occurs within an OSRW, or exceeds conditions and/or thresholds for general certification, an **Individual 401 WQC** may be required. To determine if your project qualifies for a general 401 WQC or requires an individual 401 WQC from Ky. DOW, contact Ky. DOW Section 401 WQC section first to discuss the project or consult the program's website.



## WATER WITHDRAWAL

If raw water, at a rate of 10,000 gallons per day or more, is to be withdrawn from surface water or groundwater, a **Water Withdrawal Permit** must be obtained prior to withdrawal. If a well is to be drilled, a Kentucky-certified water well driller must be used. However, there are no permitting requirements to drill a well.



## FLOOPLAIN CONSTRUCTION

A **Floodplain Construction Permit** application must be approved prior to the construction, reconstruction and relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction across or along any stream or in the floodway of any stream.

A permit is also required to fill any area with earth, debris or any other material; raise the level of any area in a manner; or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream, so that such filling, raising or obstruction would in any way affect the flow of water in the channel or in the floodway of the stream.

## GROUNDWATER PROTECTION



A facility that handles pesticides, hazardous or solid wastes, bulk quantities of raw material and other potentially polluting substances should develop a **Groundwater Protection Plan (GPP)**. GPPs are to be implemented upon development and are not dependent on approval by DOW, unless requested. The plan must be maintained on-site and made available upon request by the department. *Generic GPPs* are available for some types of facilities and can be located at [water.ky.gov](http://water.ky.gov).

## CONTACT INFORMATION

### ***Kentucky Department for Environmental Protection***

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

Division for Air Quality  
(DAQ)

502-564-3999

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

Division of Waste  
Management (DWM)

502-564-6716

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

Division of Water  
(DOW)

502-564-3410

[Water.ky.gov](http://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>

## ASSISTANCE AND RESOURCES

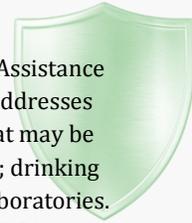


The Division of Compliance Assistance (DCA) assists businesses, individuals and organizations in complying with environmental requirements. One way DCA furthers awareness and understanding of potentially applicable regulations is by developing resource documents for a quick one-stop reference.

### KENTUCKY CERTIFICATIONS

required for operations throughout the state, including those for asbestos inspectors; drinking water, wastewater and solid waste operators; and drinking water and wastewater laboratories. For more information on these and other DEP certifications, visit <http://dca.ky.gov/DCA%20Resource%20Document%20Library/CertificationProgramsFactSheet.pdf>

The Division of Compliance Assistance developed a fact sheet that addresses DEP-issued certifications that may be



### CONSTRUCTION AND DEMOLITION



Become familiar with the common regulations that may be triggered by these activities, including fugitive dust, asbestos notifications, stormwater construction permits, waste generation and disposal. View the electronic resource that contains brief descriptions and resource links for common DEP regulations associated with construction and demolition activities at <http://dca.ky.gov/DCA%20Resource%20Document%20Library/ConstructionandDemolitionFactSheet5.20.14.pdf>.

Are you planning any construction or demolition activities?

The Division of Compliance Assistance (DCA) assists businesses, individuals and organizations in complying with environmental requirements. Contact the division for any of your environmental compliance assistance needs at:

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

*Toll-Free Hotline: 800-926-8111*

*E-mail: [envhelp@ky.gov](mailto:envhelp@ky.gov)*

DCA staff are available to provide on-site assistance and training. Questions regarding permits can be addressed to the Environmental Compliance Assistance Program

