

**211.976 Application, filing and contents -- Fee -- Conditions of bond.**

- (1) (a) All persons proposing to engage in business for the purposes of this chapter shall file an application for licensing on forms provided by the cabinet with information specifying that waste hauling is restricted to household sewage or sludge only; commercial or industrial sanitary sewage or sludge only; grease trap sewage or sludge only; or combinations of the above. Other information deemed necessary, as well as the required fee, shall accompany the application.
- (b) The secretary may promulgate administrative regulations to establish a fee schedule that:
  1. Shall be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in KRS 211.185;
  2. Beginning on March 17, 2020, until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on March 17, 2020; and
  3. Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter.
- (2) If the cabinet, after any investigation it deems necessary, finds that the applicant has the qualifications, experience, reputation, and approved site for disposal necessary to perform the service in an acceptable manner and not detrimental to the environment or to public health, it shall issue or cause to be issued a license for the said business. This license is not transferable. The application for license shall be made to the cabinet prior to March 1 of each year, and shall be accompanied by a surety bond tendered by a company registered in the Commonwealth of Kentucky, to indemnify persons for whom service and maintenance work is performed, if faulty, and to guarantee disposal of sewage sludge in an approved manner; or with sureties, form and sufficiency acceptable to the cabinet. The amount of the bond shall be established by administrative regulation promulgated by the cabinet. The cabinet shall be the obligee, and the bond shall be for the benefit and purpose to protect all persons and the environment damaged by faulty workmanship in the servicing or maintaining of sewage pretreatment units, grease traps, or holding tanks, or in the disposal of sewage sludge, and shall guarantee the appearance of the licensee to answer any summons within thirty (30) days of notice to the bonding company of the issuance of summons. Bonds shall be conditioned upon the performance of the services in a workmanlike manner, and in a manner which will not create a public health hazard nor damage the environment.

**Effective:** March 17, 2020

**History:** Amended 2020 Ky. Acts ch. 21, sec. 7, effective March 17, 2020. -- Amended 2018 Ky. Acts ch. 136, sec. 10, effective July 1, 2019. -- Amended 1992 Ky. Acts ch. 248, sec. 6, effective July 14, 1992. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(8). -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 16, effective January 1, 1975. -- Created 1968 Ky. Acts ch. 82, sec. 3.

**Formerly codified as** KRS 224.227.