**SUMMARY OF MAJOR CHANGES IN KENTUCKY REGULATIONS Effective 06/2021**

Public Restrooms 902 KAR 10:010

**Definitions—Section 1**

**On-site sewage disposal system or On-site sewage system, or on-site system** – a system installed on a parcel of land under the control or ownership of a person that accepts sewage for treatment and ultimate disposal under the surface of the ground, including:

1. A conventional system consisting of a sewage pretreatment unit, distribution devices, and lateral piping within rock filled trenches or beds;
2. A modified system consisting of:
3. A conventional system enhanced by shallow trench or bed placement;
4. Artificial drainage systems;
5. Dosing
6. Alternating lateral fields;
7. Fill soil over the lateral field; or
8. Other necessary modifications to the site, system, or wasteload to overcome site limitations;
9. An alternative system consisting of;
10. A sewage pretreatment unit;
11. Necessary site modifications;
12. Wasteload modifications; and
13. A subsurface soil treatment and dispersal system using methods and technologies other than a conventional or modified system to overcome site limitations;
14. A cluster system; and
15. A holding tank that provides limited pretreatment and storage for off-site disposal where site limitations preclude immediate installation of a subsurface soil treatment and dispersal system or connection to a municipal sewer.

**Person** – defined by KRS 211.970(6)

**Septic tank** – deleted

**General Requirements for Public Restrooms – Section 2**

Removed “Water Flushed Toilet” wording. Replaced with “Public Restroom”.

Removed “State Plumbing Code” wording. Replaced with “815 KAR Chapter 20”.

Removed “Natural Resources and Environmental Protection Cabinet” wording. Replaced with “Energy and Environment Cabinet or Cabinet for Health and Family Services”.

Removed “Toilet” wording. Replaced with “Restroom”.

**Privies – Section 3**

Removed “Earth Pit” and “Earth Pit Privies” and “Pit” wording. Replaced with “Privies” or “Privy”.

Outdoor toilets or privies are prohibited within first and second class cities.

If water under pressure is not available, outdoor toilets or privies can be used to accommodate the public or in a public place provided they comply with 902 KAR 10:085 and 902 KAR 10:081.

Outdoor toilets or privies are to be connected to a public sewerage system or on-site system (tank, dbox, laterals) if used.

Outdoor toilet or privy construction is outlined to reflect utilizing an on-site system (tank, dbox, laterals). Remove pit descriptions.

No person shall install a new or replace an existing on-site sewage disposal system if a publicly or privately owned treatment facility capable of treating the pollutants to be discharged is available pursuant to 902 KAR 10:085 Section 13(2)(a).(b) and 401 KAR 5:037 Section 2(5)(b).

Onsite Sewage Disposal System Permits 902 KAR 10:110

**Definitions—Section 1**

**Approved** – defined by KRS 211.970(1)

**Cabinet** – defined by KRS 211.970(2)

**Certified Inspector** – an individual certified under the provisions of KRS 211.360.

**Component** – added “approved for that specific use by the Cabinet”. Removed excess wording.

**Construct** –added “or install”.

**Person** – defined by KRS 211.970(6)

**Issuance of Permits—Section 2**

Added due to 902 KAR 10:131: repeal of 902 KAR 10:060, On-site sewage disposal application fee.

1. Certified installer or homeowner meeting the requirements of this administrative regulation shall complete and submit to the local health department certified inspector having jurisdiction:
2. A DFS-307 On-site Sewage Disposal System Construction Application and Permit;
3. The On-site sewage disposal permit fee of fifty (50) dollars; and
4. The required fee as established by the local board of health in accordance with KRS 211.355.
5. The On-site sewage disposal cluster system plan review shall be;
6. Submitted to the Environmental Management Branch; and
7. Accompanied by the $600 fee payable to KY State Treasurer.

Installer Certification Program Standards 902 KAR 10:140

**Definitions—Section 1**

**Approved** – defined by KRS 211.970(1)

**Cabinet** – defined by KRS 211.970(2)

**Probationary Level** – certification entry level attained by an installer as specified in as specified in KRS 211.357(2) and Section 2(3) of this regulation.

**Full Level** – certification level attained by an installer as specified in as specified in KRS 211.357(2) and Section 2(4) of this regulation.

**Advanced Level** – certification level attained by an installer as specified in Section 2(5).

**Master Level** – certification level attained by an installer as specified in Section 2(6).

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**Person** – defined by KRS 211.970(6)

**Application for Certification—Section 2**

1. No person shall offer services to construct, install, alter, or repair on-site systems without:
2. Meeting the application requirements;
3. Obtaining a valid certificate;
4. Certification shall be;
5. Nontransferable from one person to another;
6. Valid statewide

(3)(a) Persons seeking **Probationary certification** shall:

1. Be legal age to conduct business in KY
2. Have sufficient skills and knowledge of regulations and construction techniques to pass a minimum competency examination;
3. Submit a completed DFS-303, Application for Certification to local health department;
4. Proof of liability insurance;
5. Pay test **registration fee $25** to the local health department.

(b) Passing score of at least 70 on the exam.

(c) Individual failing to pass, may retake the exam by re-registering and submitting  
 another registration fee.

(d) Individual that passes shall submit to the cabinet a **$45 certification fee** payable to KY   
 State Treasurer.

(4) Persons seeking **Full certification** shall:

(a) Have continuously maintained probationary level status in good standing;

(b) Meet the requirements in KRS 211.357(2);

(c) Submit documentation required in subsection (3)(a)3 and 4;

(d) Maintain requirements for certification as specified in Section 4.

(5) Persons seeking **Advanced certification** shall:

(a) Have continuously maintained full level status in good standing;

(b) Submit documentation required in subsection (3)(a)3 and 4;

(c) Complete training workshops with passing scores on workshop tests;

(d) Maintain requirements for certification as specified in Section 4.

(6) Persons seeking **Master certification** shall:

(a) Have continuously maintained advanced level status in good standing;

(b) Submit documentation required in subsection (3)(a)3 and 4;

(c)(1) Installed a minimum of 2 systems specified in Section 3(4);

(2) Submit verification of passed inspection from local health department;

(d) Maintain requirements for certification as specified in Section 4.

**Certification Level Standards—Section 3**

Certification level standards shall be limited to on-site systems that utilize only the following:

1. **Probationary certification** level is limited to **residential,** utilizing:
2. Gravity distribution;
3. Rock filled trenches or beds;
4. Leaching chamber trenches or beds;
5. Evaporation absorption lagoons.
6. **Full certification** level is able to install **residential, commercial, industrial**, or **public facility** systems utilizing:
7. Dosed systems;
8. Fill and wait systems;
9. Leaching chambers at grade;
10. Wetlands;
11. Probationary certification level system listings.
12. **Advanced certification** level is able to install **residential, commercial, industrial**, or **public facility** systems utilizing:
13. Low pressure pipe systems;
14. Mounds;
15. Drip Irrigation;
16. Advanced treatment;
17. Experimental technology;
18. Cluster systems;
19. Probationary and Full level system listings.
20. **Master certification** level is able to install **residential, commercial, industrial**, or **public facility** systems utilizing probationary, full, advanced certification level system listings.

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**Maintenance of Certification—Section 4**

1. Certified persons shall be required to:
2. Attend training workshops based on the level of certification
3. Maintain and submit liability insurance proof annually to the local health department
4. Pay $45 certification fee to KY Dept for Public Health in Frankfort
5. Expired installers shall:
6. Comply with subsection (1);
7. Submit proof of completing CEUs;
8. Receive renewal card prior to installing as onsite system.
9. For Certification levels—6 CEUs per year with passing scores

Master level every other year.

**Enforcement—Section 7**

(2) Minimum 6 months probation for installer who

(g) Fails to provide name, certification number, and notification of intent on application of permit when performing excavation and backfilling work on permitted homeowner installations, or

(h) Performs work on any system outside of the designated certification level.

(5) Replaced “hearing” wording with “administrative conference”.

(7) Local Health Departments are to notify the Cabinet/Frankfort office within 2 business days of

any administrative action taken by the local health department against any installer.

Disposal Site Approval Procedures 902 KAR 10:150

**Definitions—Section 1**

**Cabinet** – defined by KRS 211.970(2)

**Deep Incorporation**—land application by subsurface injection, trench disposal, or a furrow placement cover operation

**Domestic Septage**—shall not include liquid or solid material removed from a septic tank—Added “holding tank”. Removed “cesspool”.   
Added statement “that contains commercial wastewater or industrial wastewater processes”.

**Land Application**—Added “while the vehicle is in motion”.

**Shallow Incorporation**—land application by surface spreading followed by plowing, disking, or harrowing.

**Surface Disposal Site**—area of land that is used for domestic septage disposal.

**Tank**—defined by KRS 211.970(12).

**Application for Site Evaluation—Section 2**

Replaced “applicant” with “owner or operator” wording.

(1)(b) Added: farm that “properly disposes of”, Removed “receives”, less than 2000 gallons of “its own” domestic septage per year shall not be permitted but shall be registered with the local health department.

**Site Evaluation Fee—Section 3**

(3) Site evaluation fee shall be “established by the local board of health having jurisdiction”.

Removed all listed site evaluation fees.

**Appeal Procedures—Section 5**

(1) Replaced “hearing” wording with “administrative conference”.

Disposal Site Operation 902 KAR 10:160  
  
**Definitions—Section 1**

**Cabinet** – defined by KRS 211.970(2)

**Domestic Septage**—shall not include liquid or solid material removed from a septic tank—Added “holding tank”. Removed “cesspool”.   
Added statement “that contains commercial wastewater or industrial wastewater processes”.

**Land Application**—Added “while the vehicle is in motion”. Added “mixed with grease at a ratio of three parts domestic septage to one part grease”.

**pH**—logarithm of the reciprocal of the hydrogen ion concentration

**Reclamation**—the approved reclaiming of strip mine and construction sites for the disposal of domestic septage.

**Surface Disposal Site**—area of land that is used for domestic septage disposal.

**Application for Permit to Operate--Section 2**

(1)(b) Added: farm owner “shall not be required” to be permitted if that farm “properly disposes of”, Removed “receives”, less than 2000 gallons of “its own” domestic septage per year. The farm shall be registered with the local health department.

(3) The disposal area where domestic septage is to be applied shall meet the requirements of 902 KAR 10:150.

(4) Documents shall be submitted with the ”initial” application or “any time changes to the operation or process occur”:

(5)(a) Certification statement shall be submitted to the local health department certified inspector with the “initial” permit application “and annually thereafter”.

(b)Statement shall read, “…no changes to the operation or process, as submitted in the original   
 application, have occurred as per 902 KAR 10:150”.

Replaced “applicant” with “owner or operator” wording.

**Permit and Inspection Fees--Section 3**

(1) Annual permit fee $187 for each permitted site.

**Approved Methods of Domestic Septage Disposal--Section 5**

(1) Domestic septage storage facilities capable of holding three times the storage capacity of the largest pump truck, or at least 4000 gallons, shall be provided at the disposal site.

(2) Unless previously added, sufficient alkali shall be applied to each application method of domestic septage or domestic septage mixed with grease to raise the pH to twelve for thirty minutes to control odors and vectors.

(4)(b)2. Deep Incorporation: Additional application of alkali may be required.

**Experimental Disposal Methods--Section 6**

Removed “Natural Resources and Environmental Protection Cabinet” wording. Replaced with “Energy and Environment Cabinet”.

**Disposal Restrictions--Section ~~7~~**

Removed Section 7 due to all applications now require all disposal methods to have added alkali added to the domestic septage. No exceptions.

**Domestic Septage Disposal Site Maintenance--Section ~~8~~ 7**

Now Section 7 due to renumbering.  
(2) DFS-234 Permit to Operate shall be posted at the entrance of the disposal site.

(6) Warning signs, fencing, or barriers “shall” be required to prevent unauthorized entry into the disposal area. No exceptions.

**Existing Domestic Septage Disposal Sites--Section ~~9~~**

Removed Section 9 due to “sites existing prior to effective date” no longer applies.

**Inspection Procedures--Section ~~10~~ 8**

Now Section 8 due to renumbering.  
(1)Inspections to be one time every calendar year by local health department certified inspector.

**Administrative Enforcement Procedures--Section ~~11~~ 9**

Now Section 9 due to renumbering.

(2) Replaced “hearing” wording with “administrative conference”.

**Incorporation by Reference--Section 10**

(a) DFS-234 Permit to Operate a Disposal Site

(b)DFS-315 Inspection Report

(c)DFS-345 Application for Site Evaluation

Septic Tank Servicing 902 KAR 10:170

**Definitions—Section 1**

**Cabinet** – defined by KRS 211.970(2)

**Domestic Septage**—shall not include liquid or solid material removed from a septic tank—Added “holding tank”. Removed “cesspool”.   
Added statement “that contains commercial wastewater or industrial wastewater processes”.

**Land with a high potential for public exposure**—removed

**Land with a low potential for public exposure**—removed

**Site**—defined by KRS 211.970(11)

**Tank**—defined by KRS211.970(12)

**pH**—removed

**Reclamation site**—removed

**Surface disposal site**—removed

**Licensing and Fees for Septic Tank Servicing—Section 2**

Added due to 902 KAR 10:131: repeal of 902 KAR 10:130, Licensing fee for septic tank servicing.

(1)An annual application for a business license to service or maintain septic tanks, holding tanks, seepage pits, portable toilets, Type III marine sanitation devices, or similar treatment works that receive domestic sewage, grease traps, or domestic septage missed with grease, shall be submitted:

(a) DFS-306 Application for License  
 (b) 1. Business license fee $150 mailed to KY DPH

(b) 2. Vehicle license fee $50 for each vehicle payable to local health department

(c)Surety bond $5000.

(4)Applications made prior to March 1 each year  
(5) Late renewal fee of $100 if not received by April 1

**Conduct of Business—Section 3**

Septic tank service operator shall:   
(1) Added: registered farm that “properly disposes of”, Removed “receives”, less than 2000 gallons of “its own” domestic septage per year.

(2)Farm shall be registered with the local health department.

(7) Provide an adequate storage facility “capable of holding three times the storage capacity of the largest pump truck” during adverse weather. **Vehicle, Tanks, and Equipment Requirements—Section 5**

(1) Added “towable tank trailers” wording.  
(4) Vehicle license shall be visible in accordance with KRS 211.978(2).

(5) Vehicle license number is nontransferable from one vehicle to another.

**Administrative Enforcement Procedures—Section 7**

(2) Replaced “hearing” wording with “administrative conference”.

**Incorporation by Reference--Section 8**

(1) DFS-306 Application for License