



“Kentucky’s Groundwater Protection Plan”

That anyone engaged in activities in the Commonwealth of Kentucky that have the potential to pollute groundwater must develop and implement a **Groundwater Protection Plan** (GPP) as required in 401 KAR 5:037. Kentucky is unique in requiring GPP’s at facilities with regulated activities.

Much like Storm Water Pollution Prevention Plans (SWP3s), the GPP summarizes regulated activities at your facility and defines the best management practices (BMPs) used to protect groundwater.

Regulated Activities that Require a GPP:

- Pesticide storage and handling for commercial purposes.
- Pesticide application for commercial purposes, maintenance of public rights of way or institutional lawn care.
- Land treatment or land disposal of a pollutant (*this is a broad and arguably vague activity*).
- Storage, treatment, disposal or handling of a waste (*another widely applicable activity*).
- Commercial or industrial storing or related handling in bulk quantities of raw materials, intermediate substances or products, finished products, substances held for recycling, or other pollutants held in tanks, drums or other containers or piles.
- Transmission in pipelines of raw materials, finished products or other pollutants.
- Installation or operation of on-site sewage disposal systems.
- Storing or related handling of road oil, dust suppressants or de-icing agents at a central location.
- Application or related handling of road oils, dust suppressants or de-icing materials.
- Mining and associated activities.
- Installation, construction, operation or abandonment of wells, boreholes or core holes.
- Collection or disposal of pollutants in an industrial or commercial facility through the use of floor drains that are not connected to on-site sewage disposal systems, closed-loop collection or recovery systems, or a waste treatment system permitted under the Kentucky Pollution Discharge Elimination System.
- Impoundment or containment of pollutants in surface impoundments, lagoons, pits or ditches.

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- Commercial or industrial transfer, including loading and unloading, in bulk quantities of raw materials, intermediate substances or products, finished products, substances held for recycling or other pollutants.

As you may see through review of the above regulated activities, nearly any industrial operation in Kentucky could be subject to KDEP's GPP requirement. The Kentucky Division of Water enforces requirements for GPPs, and upon its discretion can call for review of the plan(s).

Significantly in the event of a property transaction involving a facility with regulated activity, the rule requires that the seller provide the purchaser with a copy of the most recent GPP prepared for the facility pursuant to this administrative regulation.

If your facility meets the requirements for GPP's, contact Midwest Environmental Services for an independent initial assessment. Midwest Environmental Services' *Consulting Services Division* is available to assist you and your company with compliance to applicable environmental and safety regulations.

If you seek assistance in determining the applicability of any of the myriad environmental or safety regulations affecting your business, contact us at **502-491-0991**, or our Corporate Offices at **800-388-5160**.

Midwest Environmental Services continually works to improve our professional services to help ensure that our valuable clients receive prompt, professional attention.

Requirements upon transfer of property. Upon any subsequent transfer of a facility for which a groundwater protection plan has been prepared, the seller shall provide the purchaser with a copy of the most recent groundwater protection plan prepared for the facility pursuant to this administrative regulation.

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