

**176.525 Use of identified potential industrial park sites as construction waste sites -  
- Deeding of site to local government -- Consultation with local government  
officials in site identification.**

- (1) During the construction phase of a new road construction project, potential industrial park sites identified during the design phase shall be used as waste sites by the department or the contractor who was awarded the project. Waste shall include, but not be limited, to nonhazardous nonsoluble construction material, steel, concrete, brick, asphalt, rock, dirt, or other fill material, but shall not include vegetation resulting from land clearing and grubbing, utility line maintenance, seasonal and storm-related cleanup, or any hazardous material or hazardous waste as defined in KRS 174.405.
- (2) The purpose of using the site as a repository for waste is to reduce the cost associated with the road project and to level or otherwise create a site sufficient to support industrial activities. The department or the department's contractor shall use stabilization methods to reduce significant differential settling of the waste. The department or the department's contractor shall continually grade and compact the waste site, and design surface contours to minimize water run-off, until the site is stable, final grading is complete, and the site is ready for building to begin on an industrial park.
- (3) If a waste site is owned by the state, the state shall deed in fee simple the area used as a waste site to an interested city, county, or other governmental agency upon completion of the highway project after the final pay estimate has been processed.
- (4) The department shall consult with the appropriate elected officials affected by new routes proposed to be constructed in the six (6) year road plan. The department shall consult with the appropriate elected officials to identify waste sites along the proposed new routes that may be potential industrial park sites.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 78, sec. 22, effective June 25, 2009. -- Created 1998 Ky. Acts ch. 181, sec. 3, effective March 27, 1998.