

**401 KAR 5:015. Spills and bypasses to be reported to division.**

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: [KRS 224.10-100](#)(17)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation requires that spills and bypasses from sewage systems as defined in [KRS 224.01-010\(25\)](#) be reported to the division. Such reports enable the division to determine what action it need initiate to protect public safety and mitigate or reduce the effect of such spill or bypass.

Section 1. Any person having knowledge in advance of the necessity to bypass a sewage system shall notify the Division of Water before such bypass is commenced. Notification shall be given as far in advance as possible.

Section 2. Whenever by reason of emergency or accident a spill or discharge occurs from a sewage system or from a container or pipeline used to transport or store substances which would result in or contribute to the pollution of the waters, the person in charge of such activity shall immediately notify the Division of Water by the most rapid means available.

Section 3. Any person notifying the division pursuant to Sections 1 and 2 of this administrative regulation shall report the point of discharge, the nature of the material discharged, the quantity of the material discharged and an assessment of probable environmental impact.

Section 4. Notification required under Section 1 of this administrative regulation may be made by any mode of communication. Notification required by Section 2 of this administrative regulation shall be made by the most rapid means of communication available. If notification is not initially made in writing, it shall be confirmed by written notification within ten (10) days if requested by the division director or his appointed representative.

Section 5. Persons failing to report as required in Sections 1, 2, 3 and 4 of this administrative regulation are subject to the penalties provided by KRS 224.99-010. (WP-3; 1 Ky.R. 761; Am. 1382; eff. 7-2-75; TAm eff. 6-6-2008.)