

224.1-522 Cabinet's review and action on corrective action plan -- Right of appeal of denial.

- (1) Within one hundred twenty (120) working days of receipt of a corrective action plan, the cabinet shall:
 - (a) Review and evaluate the characterization and the corrective action plan for compliance with the agreed order, KRS 224.1-400, 224.1-405, 224.1-510 to 224.1-532, and any administrative regulations promulgated under these statutes, and if necessary, inspect the property and any relevant conditions in the area surrounding the property; and
 - (b) Approve or deny the corrective action plan.
- (2) The cabinet may request an applicant to submit additional or corrected information during the applicable evaluation period. If the cabinet makes a request, the applicant may:
 - (a) Comply with the request by notifying the cabinet in writing and submitting the additional or corrected information within thirty (30) days after receiving the cabinet's request. From the date of the request by the cabinet until the additional or corrected information is submitted to the cabinet, the applicable evaluation period shall be suspended; or
 - (b) Request a final determination in accordance with KRS 224.1-400(22) within thirty (30) days after receiving the cabinet's request.
- (3) If the cabinet approves a corrective action plan, the cabinet shall, in writing, notify the applicant and commenters.
- (4) The cabinet shall deny a corrective action plan for failure to comply with KRS 224.1-400, 224.1-405, 224.1-510 to 224.1-532, or any administrative regulations promulgated under these statutes. The cabinet may deny a corrective action plan for failure to respond to its request for information. If the cabinet denies a corrective action plan, it shall notify, in writing, the applicant and commenters, specifying the reasons for the denial. The cabinet shall also inform the applicant of the right to appeal the decision in accordance with KRS 224.10-420(2). Within thirty (30) days of receipt of the notice of denial, the applicant shall inform the cabinet if a revised corrective action plan or corrective action completion report will be submitted.

Effective: June 21, 2001

History: Created 2001 Ky. Acts ch. 128, sec. 7, effective June 21, 2001.

Formerly codified as KRS 224.01-522.