

ENERGY AND ENVIRONMENT CABINET

Department for Environmental Protection

Division of Waste Management

(Amendment)

401 KAR 46:120. Coal combustion residuals (CCR) permit program.

RELATES TO: KRS 224.1, 224.10, 224.50, 224.70, 224.99, Chapter 322, Chapter 322A, 16 U.S.C. 1531, 33 U.S.C. 1251, 42 U.S.C. 82, 40 C.F.R. 257.50-257.106

STATUTORY AUTHORITY: KRS 224.10-100, 224.50-760, 224.40-305

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.50-760(1)(d) authorizes the cabinet to promulgate administrative regulations for the management of special wastes. KRS 224.40-305 requires a waste site or facility to obtain a permit from the cabinet. This administrative regulation establishes the applicability and requirements for a CCR permit [~~permit-by-rule~~] and registered permit-by-rule.

Section 1. Applicability. This administrative regulation shall apply to:

- (1) An applicant for a CCR Permit for a new CCR unit;
- (2) An applicant for a modification to an existing CCR formal permit or CCR registered permit-by-rule;
- (3) An applicant for a Corrective Action and Closure Permit;
- (4) The beneficial use of CCR; and
- (5) The owner or operator of a CCR unit.

Section 2. Types of CCR Permits. Any person engaged in the operation of a CCR unit shall comply with this administrative regulation.

(1)(a) A registered permit-by-rule shall be required for the beneficial use of unencapsulated CCR off-site use. A beneficial use of CCR user~~[An owner or operator of a CCR unit]~~ shall complete and submit ~~[the following to obtain a registered permit by rule:~~

- ~~1.] Registered Permit-by-Rule for CCR Facility, DEP 46_120_4[DWM 4600; and~~
- ~~2. In accordance with Section 7 of this administrative regulation, established financial assurance and proof of publication of a public notice].~~

(b) Within thirty (30) days of the receipt, as evidenced by the date stamped by the Division of Waste Management, the cabinet shall review the registration information submitted in accordance with paragraph (a) of this subsection.

(c) After review of the registration information submitted in accordance with paragraph (a) of this subsection, the cabinet shall notify the applicant in writing:

1. The applicant completed and submitted all registration information and is deemed to have a registered permit-by-rule; or
2. The registration information is deficient, and require the owner or operator to submit the required information to the cabinet.

(d)1. The owner or operator of a registered permit-by-rule shall submit revised registration information pursuant to paragraph (a) of this subsection if any information changes.

2. Within thirty (30) days of receipt, the cabinet shall review the revised registration information in accordance with paragraphs (b) and (c) of this subsection.

(2) A beneficial use of CCR user shall be deemed to have a permit-by-rule without having made application with the cabinet, if:

- (a) 1. The user is beneficially re-using CCR on-site at the facility; or
2. The user is beneficially re-using encapsulated CCR off-site;
- (b) The user is not in violation of 401 KAR Chapter 46 or 401 KAR 30:031;
- (c) ~~(b)~~ The beneficial use of CCR does not present a threat or potential threat to human health or the environment;
- (d) ~~(c)~~ The beneficial use of CCR does not result in a nuisance condition created by the fugitive emissions of CCR;
- (e) ~~(d)~~ The user characterized the nonhazardous nature of the CCR in accordance with 401 KAR 39:060~~[31:030]~~; and
- (f) ~~(e)~~ The user submits an annual report to the cabinet pursuant to Section 5 of this administrative regulation.
- (3) A CCR formal permit shall be required for all new CCR units. The formal permitting process shall include the submittal of a complete application, review of the application, and permit issuance or denial by the cabinet.
- (a) 1. All applicants for a new CCR formal permit shall submit a complete application, “CCR Formal Permit Application”, DEP 46_120_3, that contains all of the information required by this administrative regulation. Engineering drawings, specifications, and studies shall be certified by a professional engineer registered in Kentucky.
2. The contents of the application shall be accurate and complete before the cabinet makes a preliminary determination as established in 401 KAR 45:050, Section 4, to issue a CCR Formal Permit.
3. Approvals obtained from the Division of Water in accordance with 401 KAR 4:070 shall be included as an attachment to the formal permit application.

(b) The application process to obtain a formal permit shall consist of two (2) phases.

1. Upon approval of a permit application, the cabinet shall issue a construction permit that authorizes the owner or operator to commence construction of a site or facility in accordance with the terms and conditions of the construction permit.

2. A construction and operation permit shall be issued by the cabinet if:

a. The applicant has notified the cabinet, in writing, that the liner system, if required, has been constructed;

b. A representative of the cabinet has inspected the site and verified in writing to the applicant, within thirty (30) days of the inspection, that the site has been developed in accordance with plans approved by the cabinet; and

c. The applicant has submitted a certification by an engineer registered in Kentucky that the liner system, if required, and other features have been constructed in accordance with the approved plans and specifications.

(c)1. In addition to conditions required for all permits established in this administrative regulation, the cabinet shall establish conditions on a case-by-case basis in permits to ensure compliance with the requirements of 401 KAR Chapter 46.

2. The cabinet may incorporate applicable requirements directly into the permit. Each CCR formal permit issued by the cabinet shall contain conditions as the cabinet determines necessary to assist in compliance with the approved application and 401 KAR Chapter 46.

(d) Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable state and federal laws. These laws include:

1. 16 USC 661 et seq. (the Fish and Wildlife Coordination Act of 1958, as amended);

2. 16 USC 1273 et seq. (the National Wild and Scenic Rivers System);

3. 16 USC 1531 et seq. (the Endangered Species Act of 1983, as amended) and 50 CFR Part 402;

4. KRS 146.200 through 146.360 and 400 KAR Chapter 4 (the Wild Rivers system);

5. KRS 146.410 through 146.990 and 400 Chapters 2 and 3; and

6. 401 KAR 4:070.

(4) A CCR Formal Permit or CCR Registered Permit-by-Rule may be modified during its term. Modification shall be conducted in accordance with this subsection.

(a) If a permit is modified, only the conditions that relate to the modification shall be reopened. A permit modification shall comply with public notification requirements in accordance with Section 8.

(b) An application to modify a permit for a lateral expansion shall require a public notice in accordance with Section 8.

(c) A permit modification shall require the permittee to submit a complete application, “Modification of a CCR Formal Permit”, DWM XXXX.

(d) Causes for modification of CCR Permits shall include:

1. Material and substantial alterations or additions to the permitted CCR unit being contemplated that justify new permit conditions that are different or absent in the existing permit, including:

a. Modification of a closure plan;

b. Modification to leachate collection system design;

c. Modification to liner system design; or

d. Modification to post-closure care plans;

2. A cabinet determination that the CCR unit, as previously permitted, is not likely to comply with 401 KAR 30:031;

3. Good cause exists for modification of a compliance schedule, such as an act of God, labor strike, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonable available remedy;

4. The cabinet receiving notification of expected closure and finding that one (1) or more of the permit conditions are no longer warranted;

5. Conditions applicable in new or amended statutes and administrative regulations;

6. Modification necessary to protect human health or the environment pursuant to 401 KAR 30:031;

7. Conditions applicable as a result of a hearing or enforcement action as established in 401 KAR Chapter 40;

8. Change of ownership of the CCR facility; or

9. Expansion of the disposal capacity of a CCR unit.

(e)1. A CCR formal permit may be modified either at the request of the permittee or upon the cabinet's initiative.

2. If the permittee requests the modification, the cabinet shall determine if the request is justified in accordance with paragraph (d) of this section. If the cabinet determines not to modify the permit, the cabinet shall notify the permittee in writing and give a reason for the decision.

3. If the cabinet makes a preliminary decision to modify a permit under this subsection, then the cabinet shall prepare a draft modified permit incorporating the proposed changes. If the permit modification requires public notice, the permittee shall publish a notice in accordance with Section 8.

4. The cabinet shall provide the permittee with a copy of the draft modified permit and allow ten (10) working days for comment. Comments received from the permittee shall be considered in finalizing the draft modified permit.

5. The cabinet shall issue the modified permit as a final permit after consideration of the comments or following the ten (10) day comment period if no comments are received.

6. The owners or operators of a CCR facility may request a hearing. A hearing shall be requested pursuant to KRS 224.10-420 within thirty (30) days of issuance of the final permit by the cabinet.

7. All terms of an existing permit shall remain in effect during the permit modification request.

8.a. A permit modification requesting a lateral expansion shall comply with the requirements of public notice in accordance with Section 8. Except for financial responsibility requirements, all draft permits for horizontal expansions shall be prepared as established in 401 KAR 45:030, Section 8(2), (3), (5), (6), (7), and Section 9 and shall be based on the administrative record required by 401 KAR 45:050, Section 3.

b.(i) The citation to 401 KAR Chapter 45 referenced in 401 KAR 45:030, 45:050, and 45:140 shall be replaced with 401 KAR Chapter 46.

(ii) The citation to 401 KAR 45:050 referenced in 401 KAR 45:030 shall be replaced with 401 KAR 46:120, Section 8.

(iii) The citation to 401 KAR 45:040, Section 1(2) referenced in 401 KAR 45:030 shall be replaced with 401 KAR 46:120, Section 2(4)(c).

(5)(a) A CCR Corrective Action and Closure Permit shall be required for existing CCR surface impoundments if:

1. The permittee of a CCR unit that is no longer accepting CCR is unable to demonstrate that the CCR unit has met the closure, groundwater, and siting standards established in 40 C.F.R. Part 257; or

2. A CCR facility where CCR was managed outside of the CCR unit and fails the groundwater protection standard at the CCR facility boundary.

(b) A Corrective Action and Closure Permit shall not be required for a CCR facility where CCR was managed outside of the CCR unit but the permittee can demonstrate the groundwater protection standard is being met at the CCR facility boundary.

(c) A CCR Corrective Action and Closure Permit shall include the submittal of a complete, "CCR Corrective Action and Closure Permit Application", DWM XXXX, and the contents of 401 KAR 46:130.

1. Upon review of the Conceptual Site Model and the Corrective Action Plan established in 401 KAR 46:130 and other relevant requirements of 401 KAR Chapter 46, the Division of Waste Management Director shall make a determination to approve, disapprove, or to issue a notice of deficiency on the permit application.

2. Upon approval or denial of the CCR Corrective Action and Closure Permit, the cabinet shall issue a public notice in accordance with Section 8.

Section 3[2]. Permit review and determination timetables.

(1) The submittal of permit applications and registrations, administrative completeness determination, timetable exclusions, and timetable extensions for CCR permits shall be the same as those established in 401 KAR 45:025, Sections 1, 2, 4, and 5.(2) All administratively complete permit applications and registrations shall be reviewed and a determination made to issue,

acknowledge, or deny the permit within the timetables established in paragraphs (a) through (h) of this subsection.

(a) CCR Formal Permit: 180 calendar days.

(b) CCR Registered Permit-by-rule: ninety (90) calendar days.

(c) CCR Permit modifications: 180 calendar days.

(d) CCR Permit transfer: 180 calendar days.

(3) The timetables established in subsection (2) may be extended at the initiative of either the cabinet or the applicant or registrant. The purpose and period of the extension shall be in writing and, if agreed to by both parties, shall be signed by both the cabinet and the applicant or registrant. The agreement to extend the timetable shall become part of the cabinet's permit or registration file.~~[Notice of Concurrence.~~

~~(1)(a) A permittee who has a permit by rule or a registered permit by rule as established in Section 1 of this administrative regulation may request a Notice of Concurrence from the cabinet.~~

~~(b) A person, who does not have a registered permit by rule as established in Section 1(1) of this administrative regulation, and intends to construct a CCR unit, may request a Notice of Concurrence from the cabinet prior to beginning construction.~~

~~(c) A person who intends to beneficially use CCR may request a Notice of Concurrence from the cabinet prior to beginning beneficial use.~~

~~(2) A person requesting to obtain a Notice of Concurrence shall complete and submit the following information, if applicable:~~

~~(a) CCR Notice of Concurrence Request, DWM 4610;~~

~~(b) For a seismic hazard analysis of a new CCR landfill or lateral expansion of an existing CCR landfill, a site specific, scenario based, deterministic, seismic hazard assessment;~~

~~(c) For a stability analysis of a new CCR landfill or lateral expansion of an existing CCR landfill, the landfill design demonstrating:~~

~~1. For subgrade, the factor of safety shall be a minimum of two and zero tenths (2.0);~~

~~2. For the liner components, the factor of safety shall be a minimum of one and one fourth (1.25);~~

~~3. For the final cover system, the factor of safety shall be a minimum of one and one half (1.5);~~

~~4. For the synthetic liner material and structural synthetic materials, a maximum elongation of ten (10) percent; and~~

~~5. A minimum seismic factor of safety of one and zero tenths (1.0);~~

~~(d) Additional information necessary to enable the cabinet to make a determination on the issuance of the Notice of Concurrence;~~

~~(e) 1. If for the unencapsulated beneficial use of CCR involving placement on the land of 12,400 tons or more in non-roadway applications, a check or money order made payable to the Kentucky State Treasurer in the amount of \$2,500; or~~

~~2. If for a person, who has not obtained a registered permit by rule as established in Section 1(1) of this administrative regulation, and intends to construct a CCR unit, a check or money order made payable to the Kentucky State Treasurer in the amount of \$5,000; and~~

~~(f) A narrative with supporting documentation, a certification statement, and seal, from a professional engineer or professional geologist, licensed in accordance with KRS Chapter 322 or KRS Chapter 322A, that the information prepared by the professional engineer or professional~~

~~geologist, and submitted with the notice of concurrence request, meets the applicable portions of 401 KAR 46:110 and paragraphs (b) and (c) of this subsection.~~

~~(3) The cabinet shall review the submittal request for a Notice of Concurrence within 365 days of receipt and issue in writing to the applicant a:~~

~~(a) Notice of Concurrence stating the cabinet concurs that the information submitted in accordance with this section is determined to meet applicable criteria in 401 KAR Chapter 46;~~

~~(b) Deficiency letter from the cabinet that the submittal is incomplete or that additional information is necessary to enable the cabinet to issue the Notice of Concurrence; or~~

~~(c) Notice that the cabinet does not concur that the information submitted in accordance with this section meets the applicable criteria in 401 KAR Chapter 46.~~

~~(4)(a) Failure by the applicant to provide the requested information and documentation within ninety (90) days of issuance of a deficiency letter established in subsection (3)(b) of this section shall cause the CCR Notice of Concurrence Request, DWM 4610, to expire.~~

~~(b) More than two (2) deficiency letters shall not be issued in accordance with subsection (3)(b) of this section, after which the CCR Notice of Concurrence Request, DWM 4610, shall expire.~~

~~(c) Expiration of the CCR Notice of Concurrence Request, DWM 4610, shall not prevent the applicant from reapplying if the requested documentation becomes available.~~

~~(5)(a) The cabinet may rescind or modify in writing the Notice of Concurrence if the applicant or permittee is not in compliance with 401 KAR Chapter 46.~~

~~(b) The cabinet shall rescind the Notice of Concurrence in writing if the applicant submitted a false certification.]~~

Section 4[3]. Transition of a Permit Issued in Accordance with 401 KAR Chapter 45 Permit Requirements.

- (1) A permittee who is subject to 401 KAR Chapter 46 and was issued a permit prior to May 1, 2026 shall continue to have their permit in effect.
- (2) Permits issued prior to May 1, 2026 may be modified or updated to include applicable conditions required by 401 KAR Chapter 46.~~[notify the cabinet in writing of the permittee's intent to meet the requirements of 401 KAR Chapter 46 by no later than May 1, 2017, if the permittee possesses a:~~
- ~~(a) Special waste permit by rule in accordance with 401 KAR 45:060;~~
 - ~~(b) Special waste registered permit by rule in accordance with 401 KAR 45:070; or~~
 - ~~(c) Formal permit for special waste in accordance with 401 KAR 45:030.~~
- ~~(2) Upon issuance by the cabinet of a registered permit by rule, a permit issued pursuant to 401 KAR Chapter 45 for management, disposal, or beneficial reuse of CCR shall terminate if the permittee is subject to 401 KAR Chapter 46.]~~

Section 5[4]. Annual Fees.

- (1)(a)1. The owner or operator of a CCR unit shall pay a \$30,000~~[\$15,000]~~ annual fee for each facility in operation except for a facility with all CCR units in ~~[or]~~ post-closure.
2. The owner or operator of a CCR unit in post-closure shall pay a \$5,000 annual fee.
- (b) An owner or operator of a CCR unit shall notify the cabinet in writing upon completion of post-closure activities as established in 401 KAR 46:110, Section 6, and shall no longer be subject to annual fees established in this section.
- (2) Payment shall be submitted to the Solid Waste Branch of the Division of Waste Management no later than July 31 of each year.

(3) The owner or operator shall complete and submit with the payment the CCR Annual Fee Form, DEP 46 120 2~~[DWM 4620]~~.

(4) A check or money order shall be made payable to the Kentucky State Treasurer.

(5) The annual fee shall be due July 31, 2017, and every year after.

(6)(a) The owner or operator of a CCR unit may request an extension to the deadline. The extension shall not exceed thirty (30) days.

(b) The extension request shall be in writing and shall be received by the Solid Waste Branch of the Division of Waste Management prior to the deadline.

Section 6~~[5]~~. Beneficial Use of CCR Reporting Requirements. The user shall submit to the cabinet an annual report of the beneficial use activity undertaken in the previous calendar year by March 31 that identifies the:

- (1) Name and address of the CCR generator;
- (2) Tonnage of CCR beneficially used;
- (3) Name and address of each user of CCR; and
- (4) Specific use of the CCR.

Section 7~~[6]~~. Noncompliances.

(1) The cabinet shall take any appropriate enforcement action, including corrective action, pursuant to 401 KAR Chapter 40, KRS 224.10-410, or 224.10-420, if the permittee is not operating in compliance with 401 KAR Chapter 46.

(2) The cabinet may revoke, modify, or suspend a CCR permit issued in accordance with 401 KAR Chapter 46~~[permit by rule or registered permit by rule]~~ pursuant to 401 KAR 40:040 upon a final determination of noncompliance with 401 KAR Chapter 46.

Section 8~~[7]~~. Financial Assurance and Public Notice Requirements.

(1) Except as established in subsection 6 of this section, owners and operators of CCR units shall not be required to maintain financial assurance [sufficient to complete closure and post-closure requirements established in 401 KAR 46:110:

(a) For new CCR units; and
(b) Existing CCR units that were required to establish financial assurance in accordance with 401 KAR 45:080].

(2) Public information procedures shall apply to applicants for:

- (a) A new CCR formal permit;
- (b) A permit for a lateral expansion of a CCR unit;
- (c) A transfer of ownership of a CCR facility with a CCR formal permit; and
- (d) 1. Proposed Approval of the Corrective Action Plan; or
2. Proposed Approval of the Corrective Action and Closure Permit.

(3) Public information procedures for CCR Formal Permits shall be as established in 401 KAR 45:050, Sections 2 through 9.

(4) Public notice for the assessment of corrective measures and proposed selected remedy shall be run concurrently.

(5) The cabinet may require public information procedures for other permit actions or modifications if a request is made with respect to an application or modification.

(6)(a) Financial assurance criteria and bond requirements shall apply to the owner and operator of a CCR landfill.

(b) [requirements shall be in accordance with 401 KAR 45:080, Sections 4, 7, 9, and 10.

~~(3)~~] The cabinet shall release the financial assurance mechanism required by this section upon notification of completion of post-closure requirements referenced in 40 C.F.R. 257.104(e) as established in 401 KAR 46:110.

(c) The owner or operator shall use one (1) of the mechanisms established in paragraph (d) of this subsection, to satisfy the following criteria:

1. Ensure that the amount of funds shall be sufficient to cover the costs of closure and post-closure care of the CCR landfill;

2. Ensure that the funds shall be available in a timely fashion; and

3. Guarantee the availability of the required amount of coverage prior to the initial receipt of CCR for new CCR landfills or lateral expansions of CCR landfills.

(d)1. Before the cabinet shall issue a construction and operation permit, the owner or operator of a CCR landfill that is required to post financial assurance pursuant to this subsection shall complete a performance agreement on the “CCR Facility Performance Agreement”, DEP 46_120_8, August 2026 form.

2. To satisfy the financial requirement, the owner or operator shall submit a performance bond and one (1) of the following:

a. A surety bond which is executed by submitting to the cabinet a completed “CCR Facility Surety Bond”, DEP 46_120_9, August 2026 form and a copy of the surety bond agreement;

b. A letter of credit submitted on the “CCR Facility Irrevocable Letter of Credit”, DEP 46_120_7, August 2026 form; or

c. An escrow agreement submitted on the “CCR Facility Escrow Agreement”, DEP 46_120_6, August 2026 form.

(e) The owner or operator of a publicly owned facility shall provide a budget for the permitting, construction, operation, closure, and post-closure care of the facility. The budget shall be revised and submitted annually. If elements of the facility's permitting, construction, operation, closure, or post-closure care are to be accomplished by contract or agreement, a copy of the contract or agreement shall be submitted to the cabinet.

(f)1. The cabinet may accept other satisfactory financial assurance as adequate financial responsibility for a CCR landfill exclusively owned and operated by a CCR generator on property owned by the CCR generator for the purpose of accepting CCR exclusively from the CCR generator.

2. The owner of a CCR landfill as described in subparagraph 1. of this paragraph may satisfy the requirements for financial assurance by demonstrating that they pass a financial test in accordance with 401 KAR 48:310, Section 17.

3. The “Corporate Guarantee for Closure or Closure Care, DEP Form 6053-E and Letter from Chief Financial Officer on Corporate Financial Test, DEP Form 6053-F shall be replaced with the “CCR Facility Corporate Guarantee and Financial Test”, DEP 46_120_11, August 2026 form.

(g) The owner or operator of a CCR landfill may provide an insurance policy to demonstrate financial assurance for closure or post-closure care of the CCR landfill. The insurance policy shall conform with the requirements of 401 KAR 48:310, Section 13 and shall be submitted on the “CCR Facility Certificate of Insurance”, DEP 46_120_10, August 2026 form.

~~[(4)(a) A public notice shall be published in a daily or weekly newspaper of major circulation located in the county or counties where the property where the proposed CCR unit is located. If there is no daily or weekly newspaper of major circulation in the county or counties~~

~~where the proposed CCR unit is located, public notice shall mean publication of required information in a daily or weekly newspaper of major circulation in a county adjacent to the county or counties where the property is located.~~

~~(b) Public notice shall include the information contained on the form incorporated by reference in Section 8(1)(c) of this administrative regulation.]~~

Section 9. Transfer of Permits.

(1) A permit shall not be transferred to any person without prior approval of the cabinet based on the submitted application. A person requesting to transfer a formal permit for an existing CCR facility shall submit a completed "Application to Transfer CCR Unit Permit", DEP 46_120_1, August 2026. The application shall be required if a person requests that the name on the permit be changed to a different person or entity or if the permittee is a corporation and fifty-one (51) percent or more of the stock is sold to a person who was not previously a stockholder, or was a stockholder owning less than five (5) percent of the stock.

(2) On the basis of the submitted application, the cabinet shall make a preliminary determination to approve or disapprove a formal permit transfer within 180 calendar days from the initial receipt of the application.

(3) If the transfer application is incomplete, the cabinet shall notify the applicant in writing of all the deficiencies. Periods of deficiency shall not be counted against the review time frame established in subsection (3) of this section. Failure to submit information noted by the cabinet related to the deficiencies within ninety (90) calendar days of receipt of the notice of deficiency shall be grounds for disapproval of the transfer application.

(4) If the cabinet makes a preliminary determination to approve the transfer application, the applicant shall publish a public notice in accordance with Section 8.

(5) After the public notice has been published by the applicant, the cabinet shall provide a public comment period in accordance with Section 8.

(6) After the close of the public comment period, the cabinet shall make a final decision on the transfer application, based on the submitted application.

(7) A person requesting to transfer a registered permit-by-rule shall submit a registration in accordance with 401 KAR 45:070, Section 2(2) through (4) and Section 4.

Section 10. Modification, Suspension, and Revocation of a Permit.

(1) The cabinet may modify, suspend, or revoke a permit issued in accordance with 401 KAR Chapter 46 for:

(a) Reasons established in 401 KAR 40:040, Section 1(1) through (3), (5), or (6);

(b) Violations of a condition or a variance of the CCR facility permit; or

(c) Transfer of the facility to another person without prior approval of the cabinet.

(2)(a) If the cabinet determines to modify, suspend, or revoke a permit issued pursuant to 401 KAR Chapter 46, the cabinet shall notify the permittee in a writing stating the reasons for the determination.

(b) Notice shall be sent to the address provided to the cabinet by the owner.”

(3) If a permit is revoked, the owner or operator may reapply.

(4)(a) Owners or operators of a CCR facility may file a request for a hearing.

(b) A request shall be pursuant to KRS 224.10-420 upon notice from the cabinet that a permit has been suspended, modified, or revoked pursuant to this administrative regulation.

Section 11[8]. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application to Transfer CCR Unit Permit", DEP 46_120_1, August 2026["CCR Notice of Concurrence Request", DWM 4610, January 2017;]

(b) "CCR Annual Fee Form", DEP 46_120_2, August 2026[DWM 4620, September 2016]; [and]

(c) "CCR Corrective Action and Closure Permit Application", DEP 46_120_12, August 2026;

(d) "CCR Facility Certificate of Insurance", DEP 46_120_10, August 2026;

(e) "CCR Facility Corporate Guarantee and Financial Test", DEP 46_120_11, August 2026;

(f) "CCR Facility Escrow Agreement", DEP 46_120_6, August 2026;

(g) "CCR Facility Irrevocable Letter of Credit", DEP 46_120_7, August 2026;

(h) "CCR Facility Performance Agreement", DEP 46_120_8, August 2026;

(i) "CCR Facility Surety Bond", DEP 46_120_9, August 2026;

(j) "CCR Formal Permit Application", DEP 46_120_3, August 2026;

(k) "Modification of a CCR Formal Permit", DEP 46_120_5, August 2026; and

(l) "Registered Permit-by-Rule for CCR Facility", DEP 46_120_4[DWM 4600, January 2017].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the division's Web site at eec.ky.gov/environmental-protection/waste.