

Public Notice

Pursuant to the public notification requirements of KRS 13A.270, the Kentucky Division of Waste Management (Division) has enclosed for your information the following proposed administrative regulation amendments:

401 KAR 4:070 - Coal combustion residuals (CCR) surface impoundments.

This administrative regulation clarifies definitions as established in 401 KAR 46:101 to be consistent with federal regulations and adopts federal internet reporting requirements.

401 KAR 46:101 - Definitions for 401 KAR Chapter 46.

This administrative regulation will add the definitions needed to effectively administer the CCR program and amend statutory citations in order to reflect current statutory authorities.

401 KAR 46:110 - Standards for the disposal of coal combustion residuals (CCR) in CCR units.

This administrative regulation amends renumbered statutory references, aligns Kentucky administrative regulations with federal requirements, and provides a more prescriptive method to address groundwater monitoring.

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

This administrative regulation establishes a permitting process for CCR landfills and surface impoundments.

401 KAR 46:130 - Groundwater assessment and corrective action for coal combustion residuals (CCR).

This administrative regulation establishes the requirements for groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and the implementation of corrective action incident to the disposal of coal combustion residuals (CCR) in CCR units and requires entities to perform a conceptual site model.

The Division filed the proposed administrative regulations with the Legislative Research Commission on October 14, 2026. The proposed administrative regulation will be published in the November 1, 2026, version of Administrative Register of Kentucky.

Full text of the filed administrative regulation can also be viewed on the Legislative Research Commission's web page at:

[Title 401 Chapter 46 • Kentucky Administrative Regulations • Legislative Research Commission.](#)

Please note there may be a slight delay in the filings to appear on the Legislative Research Commission web pages.

Copies of the proposed administrative regulation amendments can also be found on the DEP Regulations Tracker at the following link: [DEP Regulations Tracker - Kentucky Energy and Environment Cabinet](#).

A public hearing on these administrative regulations shall, if requested, be held on December 22, 2026, at 10:00 a.m. EST (9:00 a.m. CST), at 300 Sower Blvd., 1st Floor, Training Room B. Individuals interested in attending this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A Microsoft Teams invitation will be emailed if a virtual accommodation is requested the week prior to the scheduled hearing. Individuals interested in attending the virtual hearing shall notify this agency in writing by December 17, 2026, five (5) workdays prior to the hearing of their intent to attend. This hearing is open to the public. The public hearing will be recorded, and the recording provided upon a written request to the contact person. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing, may be made to the contact person at least five (5) workdays prior to the hearing.

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