

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Repealer)

5 401 KAR 61:016. Repeal of 401 KAR 61:011 and 401 KAR 61:013.

6 RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120

7 STATUTORY AUTHORITY: KRS 224.10-100,

8 NECESSITY, FUNCTION AND CONFORMITY: KRS 224.10-100 authorizes the

9 Cabinet to promulgate administrative regulations for the prevention, abatement, and

10 control of air pollution. These administrative regulations are no longer necessary as there

11 are now federal regulations in place for any facilities that may have triggered applicability

12 requirements. At this time, the Division has no facilities to which either of these

13 administrative regulations apply.

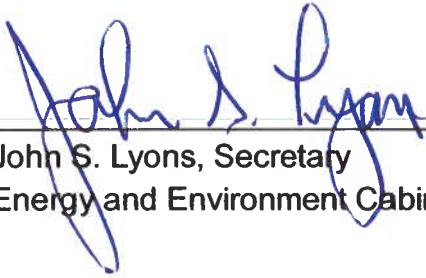
14 Section 1. The following administrative regulations are hereby repealed:

15 (1) 401 KAR 061:011, Existing medical waste incinerators; and

16 (2) 401 KAR 061:013, Existing municipal solid waste incinerators.

401 KAR 061:016 approved for filing.

9/11/26
Date


John S. Lyons, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on November 23rd, 2026, at 10 a.m. (Eastern Time) / 9 a.m. (Central Time). Individuals interested in being heard at this hearing shall notify this agency in writing by November 16th, 2026, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. 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 November 30th, 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 person 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.

CONTACT PERSON: Brittany Sortor, Environmental Scientist III, 300 Sower Boulevard, 2nd Floor, Frankfort, KY 40601, (502) 782-2789, Brittanysortor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 061:016

Contact Person: Brittany Sortor, Environmental Scientist III

Phone: (502) 782-2789

Email: Brittany.sortor@ky.gov

Subject Headings: Air Quality Standards; Clean Air Act; Municipal solid waste incinerators; Waste incinerators

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 401 KAR 061:011 and 401 KAR 061:013.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal the unused regulations 401 KAR 61:011 and 401 KAR 61:013.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(5) authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation repeals existing regulations that are no longer necessary.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation repeals existing regulations that are no longer necessary.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation repeals 401 KAR 061:011 and 401 KAR 061:013.

(b) The necessity of the amendment to this administrative regulation: The repeal is necessary because these regulations are no longer used, as permits now fall under applicable regulations in 401 KAR Chapter 59.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the statute by repealing 401 KAR 061:011 and 401 KAR 061:013.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation conforms to the statute by repealing 401 KAR 061:011 and 401 KAR 061:013.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? {If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented} No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are no entities permitted under these regulations.

(5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There are no entities permitted under these regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no entities permitted under these regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no entities permitted under these regulations.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The Cabinet will not incur any additional costs for the implementation of this administrative regulation initially.

(b) On a continuing basis: The Cabinet will not incur any additional continuing costs for the implementation of this administrative regulation on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding is not necessary in order to implement and enforce this repealer.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Funding is not necessary in order to implement and enforce this repealer.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Funding is not necessary to implement this repealer.

(10) TIERING: Is tiering applied? (Explain why or why not) No, tiering is not applied because they are not used in current permitting programs.

FISCAL IMPACT STATEMENT

401 KAR 61:016

Contact Person: Brittany Sortor, Environmental Scientist III

Phone: (502) 782-2789

Email: Brittany.sortor@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Division for Air Quality in the Energy and Environment Cabinet, Division for Air Quality.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): No regulated entities.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): No regulated entities.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is no impact.

(b) Methodology and resources used to determine the fiscal impact: These regulations are no longer in use.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) There is no impact.

(b) The methodology and resources used to reach this conclusion: The 401 KAR 61:011 and 401 KAR 61:013 regulations are no longer used, as permits now fall under Chapter 59.

