

PUBLIC NOTICE
DIVISION OF WASTE MANAGEMENT
PROPOSED NEW ADMINISTRATIVE REGULATION

The Kentucky Energy and Environment Cabinet filed proposed administrative regulations for 401 KAR Chapter 103, along with materials incorporated by reference. The cabinet will conduct a virtual public hearing on December 21, 2023, at 10:00 a.m. (EST). This hearing will be held to receive comments on the following proposed administrative regulations:

- 401 KAR 103:005 – Definitions related to Merchant Electric Generating Facilities (MEGFs)
- 401 KAR 103:010 – Notification and Transfer Procedures for MEGFs
- 401 KAR 103:020 – Decommissioning Standards for MEGFs
- 401 KAR 103:030 – Financial Requirements for MEGFs

The proposed administrative regulations were necessary to comply with amendments to KRS Chapter 224 and KRS Chapter 278 related to the passage of HB 4 from the 2023 Legislative Session. This regulatory package contains four new administrative regulations and relates to monitoring and enforcement requirements for obligations set forth in KRS Chapter 224 and KRS Chapter 278.

This hearing is open to the public and all interested persons will be given the opportunity to present testimony. The public hearing can be accessed at the following website address:

<https://us05web.zoom.us/j/81334701532?pwd=eWJHA2kpT9I6PWurOirAnFpuYads2k.1> and can be accessed using Meeting ID code: 813 3470 1532 and Passcode M00m5c. To assure that all comments are accurately recorded, the cabinet requests that oral comments presented at the hearing are also provided in written form, if possible. It is not necessary that the hearing be held or attended for persons to comment on the proposed administrative regulation. If no request for a public hearing is received by five workdays prior to the hearing, the hearing may be cancelled, and notice of the cancellation will be posted at <https://eec.ky.gov/Environmental-Protection/Waste/Pages/Proposed-DWM-Regulations.aspx>. Written comments should be sent to the contact person and must be received by December 31, 2023, to be considered part of the public record.

Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Tyler.Shields@ky.gov or mail this information to Tyler Shields, Division of Waste Management, 300 Sower Building, 2nd Floor, Frankfort, KY 40601. Please put “401 KAR Chapter 103” as the subject line, and state in the body of the message if you plan to speak during the hearing. The Energy and Environment Cabinet does not discriminate based on race, color, national origin, sex, age, religion, or disability and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in all services, programs, and activities. The full text of the proposed administrative regulations is available for public inspection and copying during regular business hours (8:00 a.m. to 4:30 p.m., local time) at the Division of Waste Management, 300 Sower Boulevard, 2nd Floor, Frankfort, Ky. Any individual requiring copies may submit a request to the Division of Waste Management, in writing, by telephone, by FAX, or e-mail. Requests for copies should be directed to the contact person. The proposed administrative regulations will be able to be accessed at:

<https://apps.legislature.ky.gov/law/kar/titles/401/103/>. In addition, the cabinet will provide access to the proposed package along with the proposed forms during the comment period at <https://eec.ky.gov/Environmental-Protection/Waste/Pages/Proposed-DWM-Regulations.aspx>. CONTACT PERSON: Tyler Shields, Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601. The phone number is (502) 782-5325, FAX number is (502) 564-4245, and e-mail address is Tyler.Shields@ky.gov.