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NOTICE
TO ALL CONTAINED LANDFILL PERMITTEES

Date: April 4, 2018

Subject: Revised Solid Waste Regulation 401 KAR 48:090

Issue: The Kentucky Division of Waste Management (DWM), Solid Waste Branch is writing this notice as a reminder of a revision to the Kentucky Administrative Regulations which became effective December 7, 2017. The revision is in regards to Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) generated from oil & gas development activities and can be found at <http://www.lrc.ky.gov/kar/401/048/090.htm>.

More specifically, Section 2 of 401 KAR 48:090 now includes TENORM wastes as a waste type to include in the Procedures for Excluding the Receipt of Prohibited Waste, and Section 3 has been modified to outline interim TENORM disposal criteria, additional operating criteria and final capping criteria dependent on TENORM radionuclide activity concentrations, and solid waste permit modification requirements, including timelines. Lastly, Section 4 includes additional requirements for daily cover applied over TENORM wastes as well as additional recordkeeping requirements.

Be advised, pursuant to Section 3, an owner or operator accepting TENORM shall submit a modification that may trigger a public notice as established in 401 KAR 47:140. In order to ensure enough time is allowed for review, issuance of the public notice, and if approved, compilation of the revised permit, please submit the modification no later than July 1, 2018 along with the appropriate fee and application established in 401 KAR 47:090 and 401 KAR 47:130.

Be advised that the TENORM waste generated from oil & gas development activities is described in 902 KAR 100:180.

A handwritten signature in black ink that reads "Danny Anderson".

Danny Anderson, P.E.
Manager, Solid Waste Branch

DA/ch/jn