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GOVERNOR

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**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

March 31, 2017

NOTICE

Transition for 401 KAR Chapter 45 Special Waste Permits

Dear Permittee,

The Cabinet anticipates the promulgation of a new Chapter 46 to Title 401 of the Kentucky Administrative Regulations (KAR) to regulate the management and disposal of coal combustion residuals (CCR). The Cabinet has been informed by the Legislative Research Commission that there will not be a meeting of the Interim Joint Committee on Natural Resources and Energy during the month of April. As a result, these regulations are expected to become effective on May 5, 2017. The purpose of this notice is to clarify the initial requirements under the proposed 401 KAR Chapter 46 to transition existing Chapter 45 permits.

The current date for existing facilities to complete their transition notification that is included in the proposed regulations is May 1, 2017. This is prior to the anticipated effective date of the regulations. This discrepancy was caused when the regulations were deferred by the Cabinet for one month at the request of the Administrative Regulation Review Subcommittee. Because the Interim Joint Committee on Natural Resources and Energy will not be meeting prior to the effective date, there is not an opportunity for the Cabinet to adjust this date in the regulation.

Because the Cabinet lacks authority to enforce the regulation prior to it becoming effective, the Cabinet will consider transition notices received by the Cabinet's Division of Waste Management, Solid Waste Branch on the effective date of the regulation to be timely submitted. In addition, the Cabinet has determined that it will not pursue enforcement action against an existing CCR facility as long as the transition notice required by 401 KAR 46:120 Section 3 is received by the Cabinet's Division of Waste Management, Solid Waste Branch on or before June 1, 2017.

The Cabinet recognizes that the format of the notice required by Section 3 is not specifically stated in regulation. The Cabinet anticipates the regulated community will submit an official letter or similar correspondence to satisfy this requirement. The regulated community shall list in a table and discuss all CCR units for each CCR facility and all beneficial uses of CCR generated from each facility.



Transition for 401 KAR Chapter 45 Special Waste Permits

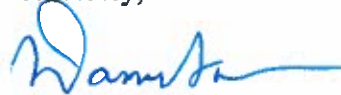
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Financial assurance mechanisms previously submitted under 401 KAR Chapter 45 do not need to be replaced or resubmitted solely as a result of the transition. Furthermore, a public notice is not required for existing CCR units transitioning to a Chapter 46 registered permit-by-rule.

If you have any questions, please contact me at (502)782-6305.

Sincerely,



Danny Anderson, Manager
Solid Waste Branch



Associated AI Numbers:

121

176

704

808

809

810

942

1640

2121

2122

2610

3004

3073

3148

3228

3239

3319

3808

4054

4196

4244

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Cincinnati, OH 45202

East Kentucky Power Cooperative Inc
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Winchester, KY 40392

Owensboro Municipal Utilities
PO Box 806
Owensboro, KY 42302

Big Rivers Electric Corporation
PO Box 24
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