



**Andy Beshear**  
GOVERNOR

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

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**Rebecca Goodman**  
SECRETARY

**Anthony R. Hatton**  
COMMISSIONER

**NOTICE**

**TO THOSE IMPACTED BY NEW ADMINISTRATIVE REGULATIONS FOR  
MERCHANT ELECTRIC GENERATING FACILITIES**

**Date of Notice:** June 26, 2024

**Effective Date of New Regulations:** June 6, 2024

**Subject:** Promulgation of Administrative Regulations as a result of revised Statutory Provisions

The revised statutory provisions can be found in KRS 278.702, 278.704, 278.706, 278.708, 278.710, 278.718, 224.10-100, 224.10-285, and 224.99-010. The regulations are 401 KAR 103:005 through 103:030.

**Content Summary:** In accordance with promulgated regulations, various submittals must be provided to the Division of Waste Management, Solid Waste Branch (SWB) for processing. These submittals include various construction and operation notifications, financial assurance for decommissioning plan implementation, annual fees, and annual reporting. As applicable, ownership transfers and decommissioning plan updates must also be submitted to the Branch. Forms incorporated by reference are available on the Solid Waste Branch website.

**Submittal Process:** The preferred method for submission is via the Solid Waste Branch Submittal Form, eForm #203. The term eForm can be misleading in this case. The eForm #203 works like an electronic submittal cover page and does not replace any necessary forms. It is a method which can be used to submit electronically in lieu of mailing paper to the Branch. Please always refrain from using individual staff email as a method of electronic submittal. Emails may not be processed in a timely or accurate manner. The eForm allows multiple staff users to access and process the official submittals and is often quicker and more reliable than individual staff email. If you prefer a paper submittal, the mailing address is provided in this notice.

**Annual Fee:** The annual fee must be mailed to the Branch with corresponding documentation. Without the associated paperwork, the check may not be accurately processed and may be returned or misrouted. The Branch has been working with the IT department to develop an electronic payment method for the annual fee, and additional information will be disseminated upon completion.

**Website Links:** The Kentucky General Assembly website is updated with new regulations. It can be accessed with this link: <https://apps.legislature.ky.gov/law/kar/titles/401/103/>

The Division of Waste Management, Solid Waste Branch maintains a website with access to forms, including eForm information, and the website can be accessed with this link: <https://eec.ky.gov/Environmental-Protection/Waste/solid-waste/Pages/solid-waste-branch-forms.aspx>

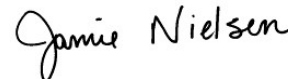
**Contact Us:** The mailing address for the Branch is: Division of Waste Management, Solid Waste Branch, 300 Sower Blvd., Second Floor, Frankfort, Kentucky 40601.

If you have questions, about these new regulations, please contact Woody Higginbotham at [Woody.Higginbotham@ky.gov](mailto:Woody.Higginbotham@ky.gov) or 502-782-0147.

If you need additional information specific to financial assurance mechanisms, please contact John Arnett at [JohnM.Arnett@ky.gov](mailto:JohnM.Arnett@ky.gov) or 502-782-6308.

If you need assistance with the submittal process, please contact Jamie Nielsen at [Jamie.Nielsen@ky.gov](mailto:Jamie.Nielsen@ky.gov) or 502-782-6426 or Jon Durbin at [Jon.Durbin@ky.gov](mailto:Jon.Durbin@ky.gov) or 502-782-6863.

Sincerely,



for

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Danny Anderson, P.E.  
Manager, Solid Waste Branch  
Signed by: Jamie Nielsen

DA/JN/cwh

c: MEGF Notice Distribution List 6-26-24