ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Waste Management
(Amendment)

401 KAR 45:100. Landfarming and composting of special waste.

RELATES TO: KRS 224.1, 224.10, 224.40, 224.50, 7 U.S.C. 136 et seq.

STATUTORY AUTHORITY: KRS 224.10-100, 224.40-100, 224.40-305, 224.50-760, 7 U.S.C. 136 et seq.

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 224 requires the cabinet to adopt administrative regulations for the management, processing, and disposal of special wastes. KRS 224.40-305 requires persons who establish, construct, operate, maintain or permit the use of a waste site or facility to obtain a permit. This administrative regulation sets forth requirements for special waste landfarming sites or facilities and special waste composting sites or facilities but does not include landfarming of biosolids.

Section 1. Applicability.

(1) The requirements in this administrative regulation apply to any person disposing of or treating special waste by:

(a) Composting; or

(b) Landfarming of special wastes that are not biosolids..

(2) Landfarming of biosolids shall be regulated in accordance with 401 KAR 45:105.

Section 2. Classifications of Special Waste Landfarming and Composting Sites or Facilities. A special waste landfarming or composting site or facility is classified as a Type A or Type B facility after the cabinet reviews the application filed pursuant 401 KAR 45:030 Section 8(1)(b). The classification is based on the type and quantity of sludge or other special waste to be accepted at the landfarm or composting site or facility. The following classifications are established:

(1) A Type A landfarm or composting facility is a site or facility that accepts Type A sludge or other special waste. Type A sludge is sludge with the following parameters:

Cadmium	Greater than 10 mg/kg;
Copper	Greater than 450 mg/kg;
Lead	Greater than 250 mg/kg;
Nickel	Greater than 50 mg/kg;
Zinc	Greater than 900 mg/kg.

(2) A Type B landfarm or composting facility is a site or facility that accepts Type B sludge or other special waste. Type B sludge is sludge with the following parameters:

Cadmium	Less than or equal to 10 mg/kg;
Copper	Less than or equal to 450 mg/kg;
Lead	Less than or equal to 250 mg/kg;
Nickel	Less than or equal to 50 mg/kg;
Zinc	Less than or equal to 900 mg/kg.

The maximum amount of sludge that may be processed by a Type B landfarm or composting site or facility is 250,000 gallons or 250 tons (dewatered) per calendar year. If the owner or operator is processing Type B sludge and

exceeds this volume limitation, then the site or facility shall be classified as a Type A landfarm or composting facility.

(3) One (1) time only disposal. An applicant for one (1) time only disposal of special waste by landfarming or composting methods shall submit an application for a Type B landfarming or composting facility.

(4) An application to landfarm biosolids shall meet the requirements of 401 KAR 45:105.

(5) A facility composting a Type A sludge may, at the discretion of the cabinet, be classified as a Type B facility depending upon the volume of special waste received, methods of composting and siting considerations.

(6) A special waste landfarm or composting site or facilities classification under this section shall be reevaluated based upon the annual analyses submitted under Section 6(19) or 9(5) of this administrative regulation. The cabinet may reassign a landfarming or composting site or facility classification based on this submittal and require the owner or operator of the landfarm or composting site or facility to modify the permit accordingly.

(7)

(a) Classification under this section shall be based on the average concentration of metals, listed in subsection (1) and (2) of this section, in a minimum of two (2) consecutive samples taken no closer than thirty (30) days apart. Metal concentration values shall be determined on a dry weight basis. Analysis shall be accomplished by determining the metal concentration of the undried sample (wet weight) and converting to dry weight using percent solids. The following formula shall be used: mg/L or mg/kg (wet weight) divided by (percent solids/100) = mg/kg dry weight.

(b) A single metal parameter shall be sufficient to require a sludge to be classified as Type A.

Section 3. Application Procedure for a Special Waste Landfarming or Composting Permit.

(1) Notice of intent to apply. An applicant for a special waste landfarming or composting permit shall submit a notice of intent to apply as required under Section 8(1)(b) or (c) of 401 KAR 45:030. Upon review of the notice of intent to apply, the cabinet shall notify the applicant of the special waste classification determination and designate the landfarming or composting facility as either a Type A or Type B facility. An applicant may be exempt from submitting a notice of intent prior to submitting the permit application required in subsection (2) of this section if the applicant is classifying itself as a Type A facility. However, the applicant is required to submit a notice of intent form with the permit application specified in subsection (2) of this section.

(2)

(a) Contents of landfarming or composting permit application. Upon determination of a special waste classification, A person shall submit the designated permit application for a special waste landfarming or a composting facility as specified in Section 8(1)(b) or (c) of 401 KAR 45:030 to the cabinet.

(b) A landfarming application may include parcels of land that are not located contiguously.

(3)

(a) An applicant for a landfarming or composting facility permit shall comply with applicable requirements in 401 KAR 45:030 when applying for a formal permit.

(b) An applicant for a Type A landfarming or composting facility shall also comply with the:

1. Public notice requirement in 401 KAR 45:050;
2. Financial assurance requirements of 401 KAR 45:080;
3. Surface and groundwater requirements of 401 KAR 45:160; and
4. Postclosure requirements of Section 4 of this administrative regulation.

(4)

(a) A groundwater monitoring plan pursuant to 401 KAR 45:160 shall be required for Type A facilities.

(b) Upon examination by the cabinet of the facility specific geologic setting and any variance requests in the permit application, the cabinet may require the applicant for a Type B facility to prepare a groundwater monitoring plan to include location and specifications of wells, monitoring parameters and monitoring schedules in accordance with 401 KAR 45:160.

(5) The cabinet shall base a decision to approve or deny a permit application for a special waste landfarming or composting facility based on the suitability of the facility, the special waste's ability to biodegrade in the environment, the potential for the special waste to be managed in a manner consistent with 401 KAR 30:031, the likelihood that special waste constituents will contaminate surface water or groundwater, the potential for nuisances from odors or unsightly conditions, and the potential for the special waste to harm human health or the environment.

Section 4. Closure and Postclosure of Landfarming and Composting Facilities.

(1) An owner or operator permanently ceasing to accept special waste at a Type A or Type B special waste landfarming or composting site or facility shall submit to the cabinet a closure report that includes:

(a) The results of final soil samples taken in accordance with the construction/operation permit within eighteen (18) months following the last application of special waste;

(b)

1. Landfarming sites or facilities shall submit a historical summary of all landfarming, by subplot, showing:

a. The allowable and actual rates of special waste application;

b. Heavy metals and nitrogen; and

c. Incorporating the annual landfarming review required by Section 6(19) of this administrative regulation; or

2. Composting sites or facilities shall prepare a historical summary of composting activities at the site incorporating the annual composting review report required in Section 9(5) of this administrative regulation.

(c) A certification from the owner or operator that the site or facility is closed and is in compliance with 401 KAR 30:031; and

(2) The cabinet shall review the closure report and determine whether any additional monitoring or information shall be required to assure compliance of the site or facility with 401 KAR 30:031. If the site is not in conformance with 401 KAR 30:031 or the requirements of this chapter, the cabinet may take appropriate enforcement actions for violations of this chapter or KRS Chapter 224.

(3)

(a) A two (2) year postclosure monitoring maintenance period commencing on the first day after the facility permanently ceases accepting special waste is required for all Type A landfarming and composting facilities and for any other landfarming or composting facility required to conduct groundwater or surface water monitoring pursuant to 401 KAR 45:160.

(b) During the postclosure monitoring and maintenance period, the owner or operator shall conduct groundwater and surface monitoring as required by:

1. 401 KAR 45:160;

2. The facility's approved groundwater and surface water monitoring plans; and

3. The terms of the facility's special waste permit.

(4)

(a) At the conclusion of the two (2) year postclosure monitoring and maintenance period, the owner or operator shall submit a certification that postclosure is complete and that the site or facility is in compliance with 401 KAR 30:031 and the terms of this chapter.

(b) The cabinet shall review the postclosure certification and if no additional monitoring or information is required and the site or facility is not subject to any enforcement actions for violations of this chapter or KRS Chapter 224, then the cabinet shall accept the owner's or operator's certification of postclosure.

(5) Upon acceptance of certification of postclosure, the cabinet shall release the financial assurance bond.

(6) The two (2) year postclosure monitoring and maintenance period may be extended if groundwater contamination as specified in Section 5 of 401 KAR 45:160 is documented and the owner or operator is required to submit a groundwater assessment plan.

(7) Any necessary environmental remediation steps or corrective action for groundwater contamination required under 401 KAR 45:160 shall be performed before the special waste landfarm or composting site or facility postclosure is certified as complete and financial assurance is released.

Section 5. Siting Requirements for Landfarming. Special waste landfarming sites or facilities shall comply with the following siting requirements:

(1) Special waste shall not be applied in the 100-year floodplain unless the special waste is injected or incorporated;

(2) Land application units shall have a minimum of four (4) feet of soil between the soil surface and both the seasonal high water table and bedrock;

(3) Special waste shall not be applied on soils with a permeability rate greater than six (6) inches per hour or less than two-tenths (0.2) inches per hour; and

(4) Land application units shall not be located on land with a slope greater than fifteen (15) percent.

(5) All landfarming facilities shall comply with 401 KAR 30:031 and shall maintain the following buffer zones:

Required Buffer Zones Minimum Distance in Feet From the Boundary of the Application Zone

Structure or Object	Subsurface Injectionor Incorporation	SurfaceApplication
Residences & occupied Buildings	200	300
Water Well	200	300
Surface Water Body	200	300
Karst Feature	200	300
Perennial Stream	200	300
Intermittent Stream	30	50
Ephemeral Stream	30	50
Property Line	30	50
Public Road	30	50

Section 6. Operating Requirements for Special Waste Landfarming Facilities. Special waste landfarming sites or facilities shall comply with the following:

(1) Prior to applying sludges to the land, all sludges shall be processed to significantly reduce pathogens as specified in Section 11 of this administrative regulation.

(2) An operator certified in accordance with 401 KAR 45:090 shall be available at the landfarming site during special waste application. All sludge applications shall be accomplished under the direction of a certified landfarming operator.
(3) When surface application is used in conjunction with soil incorporation methods, incorporation shall occur within forty-eight (48) hours of sludge application.
(4) Surface application without incorporation into the soil shall not be used on land without established vegetative cover or crop residue of at least seventy-five (75) percent.
(5) No hazardous wastes or mixtures of hazardous and solid waste shall be disposed at, discharged to, or placed in a landfarming site.
(6) No toxic wastes or mixtures of toxic and nontoxic wastes regulated under 7 USC 136 et seq. (the Toxic Substances Control Act) shall be disposed at, discharged to, or placed in a landfarming site.
(7) The following agricultural use restrictions shall apply:
(a) Land spreading shall not occur on land where leafy vegetables or root crops for human consumption will be harvested within twelve (12) months;
(b) Land spreading shall not occur on land where crops for direct human consumption will be harvested within two (2) months;
(c) Dairy grazing shall be prohibited for six (6) months after land spreading. Other livestock grazing shall be prohibited for three (3) months;
(d) The annual application rate of cadmium shall meet the requirements in 401 KAR 30:031 Section 6; and
(e) Special waste shall not be land spread where tobacco is to be harvested within five (5) years of special waste application, if the annual application rate of cadmium from the sludge exceeds 0.44 pound per acre at any time during the life of the site.
(8) The general public shall be restricted from the application zone for a period of twelve (12) months after each application, unless the special waste has undergone a process to further reduce pathogens in accordance with Section 12 of this administrative regulation.
(9) Special waste shall not be land spread on frozen, snow-covered, ice-covered, or water-saturated soil, or during any precipitation event.
(10) No special waste shall be applied in excess of schedules and rates of special waste application established in subsection (23) of this section and Section 7 of this administrative regulation.
(11) No raw or unstabilized special waste shall be landfarmed. The permittee shall maintain compliance with the ambient air quality standard for odor, as set forth in 401 KAR 53:010.
(12) The amount of any single surface application shall not be greater than an average one-half (1/2) inch in thickness.
(13) High pressure spray irrigation of sludge which produces aerosols shall be prohibited.
(14) Subplots shall be staked or otherwise clearly marked in the field.
(15) The owner or operator shall have a sign located at the entrance to the landfarming facility. The sign shall indicate the source and type of special waste and the type of operation, the name of operator, the permit number, the contact person and the emergency telephone number.
(16) Surface water or special waste ponding within the application zone shall be prohibited.
(17) Surface run-off and run-on shall be controlled to minimize the possibility of applied special waste contaminating nearby surface water or adjacent land areas.
(18) Records of all landfarming activities shall be maintained throughout the operation of the site on the form entitled Annual Landfarming Review, DEP 7048. The records shall at a minimum contain the schedules and rates of special waste application and all laboratory analyses. Records shall be made available to the cabinet upon request.

(19) Each landfarming owner or operator shall submit an annual report of landfarming activities to the cabinet by March 15th for the landfarming activities conducted the previous calendar year. The report shall be submitted on form DEP 7048 entitled "Annual Landfarming Review".

(20) Operational monitoring shall be performed on the following schedule:

(a) Soil shall be sampled annually in accordance with the soil monitoring plan in the approved permit application; and

(b) Special waste from municipal water treatment facilities shall be sampled in accordance with the following table, or more frequently if required by the cabinet. Other special waste shall be sampled in accordance with a schedule approved by the cabinet. Special waste shall be analyzed for solids content, pH, ammonium nitrogen (NH_4-N), nitrate nitrogen (NO_3-N), total Kjeldahl nitrogen, total phosphorus, total potassium, PCBs, chromium, copper, zinc, nickel, lead, and cadmium. Laboratory analysis results shall be reported in milligrams per kilogram wet and dry weight.

Required Sampling Schedule

Design Treatment Capacity(gallons per day)	Samples Per Year
Less than 1,000,000	2
1,000,001 - 10,000,000	4
More than 10,000,000	12

(21) Soil pH shall be maintained at six and five-tenths (6.5) or greater during crop production, hay production, or grazing.

(22) Special waste containing concentrations of PCBs greater than one (1) milligram per kilogram shall not be landfarmed.

(23) The maximum amount of metals from special waste that may be applied during the life of the site shall be based upon the cation exchange capacity (CEC) of the soil and shall be as follows:

Maximum Amount of Metals Cation Exchange Capacity (meq/100g)

Parameter	0-5	5-15	15+
Lead	500 lbs/ac.	1000 lbs/ac.	2000 lbs/ac.
Cadmium	4.46 lbs/ac.	8.92 lbs/ac.	17.84 lbs/ac.
Copper	125 lbs/ac.	250 lbs/ac.	500 lbs/ac.
Nickel	50 lbs/ac.	100 lbs/ac.	200 lbs/ac.
Zinc	250 lbs/ac.	500 lbs/ac.	1000 lbs/ac.

The following equation shall be used to determine the maximum number of tons of special waste per acre that may be land spread without exceeding the above limitations:

$$\text{Tons waste / acre} = \frac{(\text{lbs per acre for each parameter Table 4})}{(\text{dry mg / kg of metal in waste sample}) \times 0.002}$$

(24) The amount of nitrogen land spread shall not exceed the nitrogen utilization rate of the vegetative cover in the application zone.a

(25)

(a) If the laboratory analyses and calculations to determine quantities of metals applied to the soil discloses that the cumulative concentration of a contaminant is above the

maximum level permitted under subsection (23) of this section, a written notice shall be given to the cabinet within ten (10) days of receipt of the monitoring results. The owner or operator shall cease further landfarming and submit to the cabinet within forty-five (45) days a report describing proposed corrective actions to be taken by the owner or operator.

(b) A notice shall be recorded on the property deed within forty-five (45) days of receipt of the monitoring results stating that the property has received special waste at concentrations exceeding permitted levels, and that food chain crops shall not be grown due to possible health hazards.

(26) In addition to the operating requirements in this section, the owner or operator who is landfarming Type A sludge shall sample surface water quarterly.

(a) Parameters to be monitored shall include:

1. pH;
2. Ammonium nitrogen (NH_4-N);
3. Fecal coliform bacteria;
4. Chromium;
5. Biological oxygen demand;
6. Total organic carbon;and
7. Total dissolved solids.

(b) A minimum of one (1) upgradient and one (1) downgradient sampling point shall be required.

(27) Owners and operators of Type A landfarming or composting facilities and all Type B facilities that have documented contamination shall conduct groundwater monitoring in accordance with 401 KAR 45:160.

(28) If metal applications exceed the amounts listed in subsection (23) of this section, the owner or operator shall immediately commence closure of the facility and submit a closure report within 45 days containing the information required by Section 4(1) of this administrative regulation. The report shall also include a copy of the notice in the deed advising all future landowners in perpetuity that metal concentrations exceed those allowed by this administrative regulation.

(29) Landfarming sites and facilities shall comply with all requirements set forth in 401 KAR 45:140.

Section 7. Application Rates for Landfarming Sites or Facilities.

(1) The annual application rate shall be the lesser of the two application rates determined for cadmium and for nitrogen utilization.

(2) The applicant shall determine the percent of available organic nitrogen in the special waste using the following calculation: Percent available organic N = (percent total N) - (percent NH_4-N) - (percent NO_3-N).

(3) The applicant shall determine the amount of nitrogen that shall be available for plant uptake at the landfarming site using one (1) of the following calculations depending on the application method:

(a) Incorporation: Lbs available N/ton = (percent NH_4-N x 20) + (percent NH_3-N x 20) + (percent available organic N x 4).

(b) Surface application: Lbs available N/ton = (percent NH_4-N x 10) + (percent NO_3-N x 20) + (percent available organic N x 4).

$$\text{Tons/acre} = \frac{\text{Nitrogen utilization rate of the vegetative cover}}{\text{Lbs available organic N/ton}}$$

(4) The annual application rate of cadmium from special waste shall not exceed 0.44 pound per acre. The annual application rate shall be determined using the following calculation:

$$\text{Tons/acre} = \frac{\text{pounds of allowable cadmium per acre}}{(\text{mg per kg of cadmium in sample}) \times 0.002}$$

Section 8. Sludge Giveaway Program. A municipal water sludge generator may give away sludge equal to or less than the metal concentration limitation specified in Section 2(2) of this administrative regulation to persons for subsequent use as a soil conditioner. This program shall be operated under a registered permit-by-rule in accordance with this administrative regulation and 401 KAR 45:070. The maximum amount of sludge that may be distributed annually to any person is limited to 2000 pounds (dry weight).

(1) During operation of the giveaway program the generator shall:

(a) Maintain a list of names and addresses of all persons receiving the sludge;

(b) Submit annually to the cabinet the sludge analysis performed in accordance with the schedule contained in Section 6(20) of this administrative regulation, and a copy of the distribution log;

(c) Provide to persons receiving special waste, copies of the sludge analyses and a brochure, approved by the cabinet, explaining the proper procedures to be utilized in the landfarming of sludge; and

(d) Use a process to significantly reduce pathogens in accordance with Section 11 of this administrative regulation.

(2) Unless the sludge has undergone a process to further reduce pathogens in accordance with Section 12 of this administrative regulation, it shall not be used in a manner likely to allow direct human contact for a period of twelve (12) months from the date of application.

(3) The sludge generator shall maintain another approved means of sludge disposal.

Section 9. Operating Requirements for Composting Facilities. Composting facilities shall comply with the following:

(1) Within one (1) month of receiving any materials that do not meet standards for land application established in the permit or by this administrative regulation, the owner or operator shall dispose of the material in a facility permitted to accept the waste or special waste;

(2) After the compost has completed the curing process, at least seventy-five (75) percent of the compost shall be distributed within one (1) year;

(3) Use one (1) or more processes to further reduce pathogens in accordance with Section 12 of this administrative regulation;

(4) Process and store compost on an impermeable pad, or provide information on soils at the facility and a groundwater quality assurance plan;

(5) Each composting owner or operator shall submit an annual report for the previous calendar year's activities to the cabinet by March 1st of each year. The report shall be submitted on form DEP 7048A entitled "Annual Composting Review"; and

(6) Composting sites or facilities shall comply with all requirements set forth in 401 KAR 45:140.

Section 10. Usage of Composted and Treated Special Waste.

(1) Composted special waste and treated special waste that has undergone additional treatment to further reduce pathogens, as described in Section 12 of this administrative regulation, shall meet the following criteria in order to be distributed or marketed to the general public:

(a) The final product shall not exceed Type B metals concentration limits as specified in Section 2(1)(b) of this administrative regulation.

(b) A brochure shall accompany all compost or treated special waste sold or given away. The brochure shall be subject to cabinet approval and shall contain, at a minimum, the following information:

1. The source or sources of the original material;

2. An analysis of the parameters in paragraph (b) of Section 6(20) within six (6) months of the finished product; and

3. Suggested uses and application rates for the product; and

(c) The quantity distributed shall be limited to fifty (50) tons per person per year for composted special waste and fifteen (15) tons per person per year for treated special waste.

(2) A final product that exceeds metals concentration limits or exceeds the quantity limitation set forth in subsection (1) of this section shall be disposed or distributed in accordance with the facility's permit.

Section 11. Processes to Significantly Reduce Pathogens. Processes to significantly reduce pathogens shall include one (1) or more of the following:

(1) Aerobic digestion. The process shall be conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from sixty (60) days at fifteen degrees Celsius (15° C) to forty (40) days at twenty degrees Celsius (20° C), with a volatile solids reduction of at least thirty-eight (38) percent.

(2) Air drying. Liquid sludge shall be allowed to drain or dry on under-drained sand beds, or paved or unpaved basins. Sludge in paved or unpaved basins shall be at a depth of nine (9) inches. Air drying shall be conducted for a minimum of three (3) months, with two (2) months of temperatures which average on a daily basis above zero degrees Celsius (0° C).

(3) Anaerobic digestion. The process shall be conducted in the absence of air at residence times ranging from sixty (60) days at twenty degrees Celsius (20° C) to fifteen (15) days at thirty-five degrees Celsius (35° C) to fifty-five degrees Celsius (55° C), with a volatile solids reduction of at least thirty-eight (38) percent.

(4) Composting. When using the within-vessel, static aerated pile or windrow composting methods, the special waste shall be maintained at minimum operating conditions of forty degrees Celsius (40° C) for five (5) days. For four (4) hours during this period, the temperature shall exceed fifty-five degrees Celsius (55° C).

(5) Lime stabilization. Sufficient lime shall be added to produce a pH of twelve (12) for two (2) hours.

Section 12. Processes to Further Reduce Pathogens. Processes to further reduce pathogens shall include one (1) or more of the following:

(1)

(a) Composting.

1. Using the within-vessel composting method, the special waste shall be maintained at operating conditions of fifty-five degrees Celsius (55° C) or greater for three (3) days.

2. Using the static aerated pile composting method, the special waste shall be maintained at operating conditions of fifty-five degrees Celsius (55° C) or greater for three (3) days.

3. Using the windrow composting method, the special waste shall:

a. Attain a temperature of fifty-five degrees Celsius (55° C) or greater for at least fifteen (15) days during the composting period; and

b. During the high temperature period, there shall be a minimum of five (5) turnings of the windrow.

(b)

1. Heat drying. Dewatered sludge cake shall be dried by contact with hot gases, and moisture content shall be reduced to ten (10) percent or lower.

2. Sludge particles shall reach temperatures in excess of eighty degrees Celsius (80° C), or the wet bulb temperature of the gas stream in contact with the sludge at the point when it leaves the dryer shall be in excess of eighty degrees Celsius (80° C).

(c) Heat treatment. Liquid sludge shall be heated to 180 degrees Celsius (180°C) for thirty (30) minutes.

(d) Thermophilic aerobic digestion. Liquid sludge shall be agitated with air or oxygen to maintain aerobic conditions at residence times of ten (10) days at fifty-five to sixty degrees Celsius (55° - 60° C), with a volatile solids reduction of at least thirty-eight (38) percent.

(2) Any of the processes described in paragraphs (a) to (d) of this subsection shall be added to the processes in Section 11. The processes listed in paragraphs (a) to (d) of this subsection, on their own, do not reduce the attraction of disease vectors but are meant to be added to the processes in Section 11. The following processes shall be an additional method of reducing pathogens:

(a) Beta ray irradiation. Sludge shall be irradiated with beta rays from an accelerator at dosages of at least one (1.0) megarad at room temperature, approximately twenty degrees Celsius (20° C).

(b) Gamma ray irradiation. Sludge shall be irradiated with gamma rays from certain isotopes, such as Cobalt-60 and Cesium-137, at dosages of at least one (1.0) megarad at room temperature, approximately twenty degrees Celsius (20° C).

(c) Pasteurization. Sludge shall be maintained for at least thirty (30) minutes at a minimum temperature of seventy degrees Celsius (70° C).

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Annual Landfarming Review", Form DEP 7048, (February 2023); and

(b) "Annual Composting Review", Forms DEP 7048A, (February 2023).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the division's Web site at eec.ky.gov/environmental-protection/waste.

REBECCA GOODMAN, Secretary

APPROVED BY AGENCY: August 24, 2023

FILED WITH LRC: August 24, 2023 at 4:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2023, at 5:30 p.m. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky 40601. The public hearing can also be accessed at the following website address https://us02web.zoom.us/j/86146637051 or can be accessed toll free by telephone: 833-548-0282 using Meeting ID code: 861 4663 7051 and Passcode 139147. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Michael.Mullins@ky.gov or mail this information to Michael Mullins, Department for Environmental Protection, Office of the Commissioner, 300 Sower

Boulevard, Frankfort, Kentucky 40601. Please put "Land Application of Biosolids" as the subject line, and state in the body of the message if you plan to speak during the hearing. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Env Scientist Consultant II, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.