401 KAR 4:070. Coal combustion residuals surface impoundments.

RELATES TO: KRS 146.200-146.990, 151.110, 151.125, 151.250, 224.1, 224.10, 224.50, 224.99, 40 C.F.R. 257.73, 257.74, 257.82, 257.83, 16 U.S.C. 661, 1273, 1531, 33 U.S.C. 1261 - 1387

STATUTORY AUTHORITY: KRS 224.10-100, 224.70-100, 224.70-110

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.10-100 and 224.70-100 authorize the cabinet to develop and conduct a comprehensive program for the management of water resources and to provide the prevention, abatement, and control of water pollution. This administrative regulation establishes the standards for coal combustion residuals (CCR) surface impoundments pertaining to the permit-by-rule established in 401 KAR Chapter 46.

Section 1. Definition. "Coal combustion residuals surface impoundment" or "CCR surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR.

Section 2. The structural integrity criteria requirements for an owner or operator of an existing CCR surface impoundment shall be as established in 40 C.F.R 257.73.

Section 3. The structural integrity criteria requirements for an owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment shall be as established in 40 C.F.R 257.74.

Section 4. The hydrologic and hydraulic capacity requirements for owners or operators of CCR surface impoundments shall be as established in 40 C.F.R. 257.82.

Section 5. The inspection requirements for owners or operators of CCR surface impoundments shall be as established in 40 C.F.R. 257.83.

Section 6. Except for 40 C.F.R. 257.107, including cross-references to 40 C.F.R. 257.107 within 40 C.F.R. 257.73, 257.74, 257.82, and 257.83, the record keeping and notification requirements for an owner or operator of a CCR surface impoundment shall be as established in 40 C.F.R. 257.105 and 257.106.

(401 KAR 004:070. 43 Ky.R. 848; eff. 5-5-2017; Crt eff. 8-9-2018; Crt eff. 6-4-2025.)