

401 KAR 61:036. Emission guidelines and compliance times for municipal solid waste (MSW) landfills.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 60 Subpart Cf, 42 U.S.C. 7411(d)

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-110, 224.20-120,

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the control of emissions from existing municipal solid waste (MSW) landfills.

Section 1. Definitions.

- (1) Except as established in this section, terms used in this administrative regulation shall have the meaning established in 40 C.F.R. 60.41f, as published July 1, 2020.
- (2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 60, Subpart Cf, or an approved state plan as published in 40 C.F.R. Part 62, Subpart S states that the United States Environmental Protection Agency retains authority.
- (3) "Affected facility" means each MSW landfill.
- (4) "Classification date" means July 17, 2014.

Section 2. Applicability. This administrative regulation shall apply to each affected facility that commenced construction, modification, or reconstruction on or before the classification date as defined in Section 1 of this administrative regulation.

Section 3. Compliance Requirements. An owner or operator of an affected facility shall comply with the applicable requirements established in:

- (1) 40 C.F.R. 60.31f, Designated Facilities, as published July 1, 2020;
- (2) 40 C.F.R. 60.32f, Compliance Times, as published July 1, 2020;
- (3) 40 C.F.R. 60.33f, Emission Guidelines for Municipal Solid Waste Landfill Emissions, as published July 1, 2020;
- (4) 40 C.F.R. 60.34f, Operational Standards for Collection and Control Systems, as published July 1, 2020;
- (5) 40 C.F.R. 60.35f, Test Methods and Procedures, as published July 1, 2020;
- (6) 40 C.F.R. 60.36f, Compliance Provisions, as published July 1, 2020;
- (7) 40 C.F.R. 60.37f, Monitoring of Operations, as published July 1, 2020;
- (8) 40 C.F.R. 60.38f, Reporting Guidelines, as published July 1, 2020;
- (9) 40 C.F.R. 60.39f, Recordkeeping Guidelines, as published July 1, 2020; and
- (10) 40 C.F.R. 60.40f, Specifications for Active Collection Systems, as published July 1, 2020.

Section 4. A source shall submit a copy of all documentation required to be submitted to U.S. EPA pursuant to this administrative regulation to the cabinet.

(24 Ky.R. 1429; 2118; eff. 4-13-1998; TAm eff. 8-9-2007; TAm eff. 5-20-2010; TAm eff. 7-8-2016; Crt eff. 1-25-2019; 47 Ky.R. 1447, 2024; eff. 6-3-2021.)