

**224.10-280 Cumulative environmental assessment and fee required before construction of facility for generating electricity -- Conditions imposed by cabinet -- Administrative regulations.**

- (1) Except for a person that commenced construction of a facility prior to April 15, 2002, or that has received a certificate of public convenience and necessity from the Public Service Commission prior to April 15, 2002, no person shall commence to construct a facility to be used for the generation of electricity unless the person:
  - (a) Submits a cumulative environmental assessment to the cabinet with the permit application; and
  - (b) Remits a fee set pursuant to KRS 224.10-100(20) by the cabinet to defray the cost of processing the cumulative environmental assessment.
- (2) The person may submit and the cabinet may accept documentation of compliance with the National Environmental Policy Act (NEPA) as satisfying the requirements to file a cumulative environmental assessment under subsection (1) of this section.
- (3) The cumulative environmental assessment shall contain a description, with appropriate analytical support, of:
  - (a) For air pollutants:
    1. Types and quantities of air pollutants that will be emitted from the facility; and
    2. A description of the methods to be used to control those emissions;
  - (b) For water pollutants:
    1. Types and quantities of water pollutants that will be discharged from the facility into the waters of the Commonwealth; and
    2. A description of the methods to be used to control those discharges;
  - (c) For wastes:
    1. Types and quantities of wastes that will be generated by the facility; and
    2. A description of the methods to be used to manage and dispose of such wastes; and
  - (d) For water withdrawal:
    1. Identification of the source and volume of anticipated water withdrawal needed to support facility construction and operations; and
    2. A description of the methods to be used for managing water usage and withdrawal.
- (4) The cabinet may impose such conditions regarding the timing, volume, duration, or type of pollutants on a permit, registration, general permit, or permit-by-rule for a facility subject to this section as are necessary to comply with applicable standards.
- (5) The cabinet may promulgate administrative regulations to implement the provisions of this section.

**Effective:** April 24, 2002

**History:** Created 2002 Ky. Acts ch. 365, sec. 10, effective April 24, 2002.