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Authors:

[Gregory Dutton](#)

[Timothy J. Hagerty](#)

Kentucky Energy and Environment Cabinet Grants Compliance Flexibility in Response to Coronavirus

Three bulletins went into effect that address solid waste management, drinking and wastewater treatment, and air monitoring certifications. Kentucky Energy and Environment Cabinet Secretary, Rebecca Goodman, signed the emergency bulletins into effect on March 26, 2020. The bulletins address potential COVID-19 related issues by granting flexibility in operations and environmental compliance during the current declaration of a State of Emergency in Kentucky.

Solid Waste Management Facilities

- Hours of operation may be adjusted to respond to the ongoing emergency.
- Daily tonnage limits are waived.
- Storage times for materials delivered to transfer stations and recycling facilities are waived.
- Recyclables and yard waste may be co-mingled for transportation, processing, and disposal.
- Division of Waste Management (DWM) will address requests for flexibility on compliance timelines for conducting and documenting solid waste management facility operating permit requirements as expeditiously as possible.

Note: These flexibility provisions do not excuse obligations stemming from local requirements, such as local host agreements and local ordinances.

Drinking and Wastewater Treatment Facilities

- The requirements for certified wastewater and water treatment plant operators have been suspended for

emergency staffing situations resulting from COVID-19 illness, quarantine, or social distancing. Once a notification and request for technical assistance have been submitted to the Division of Water, the facility may implement an alternative staffing plan.

- Late fees on drinking water renewals due on June 30, 2020 have been waived through August 31, 2020 to allow operators additional time to get continuing education credits needed to renew licenses.

Air Monitoring Certifications

- A grace period has been granted for EPA Reference Method 9 (M9) certifications expiring on or after March 1, 2020. Certified personnel now have until July 1, 2020 to recertify. The grace period only applies to currently certified personnel conducting routine M9 observations as required by an air permit issued by the Division for Air Quality.
- A grace period has been issued for asbestos accreditations that expire after January 1, 2020. Certified personnel now have until July 1, 2020 to recertify.
- A grace period has also been issued for asbestos abatement contractors seeking to update their Company Certifications where supervisor's individual accreditations have expired after January 1, 2020. Company certifications now must be filed by July 1, 2020.

For more information concerning requirements to comply with the flexibility granted by these bulletins, please feel free to reach out to [Greg Dutton](#), [Tim Hagerty](#), or any member of the [Environmental Practice Group](#).

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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