

1 AN ACT relating to metal recyclers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 30 OF KRS CHAPTER
4 224 IS CREATED TO READ AS FOLLOWS:

5 (1) *As used in this section:*

6 (a) *"Metal recycling facility" means a facility that accepts and processes metals*
7 *to produce a commodity that can be sold or remelted; and*

8 (b) *"Pre-shredder" means a machine located upstream from the primary*
9 *shredder that tears apart larger scrap metal or entire end of life products to*
10 *be able to separate the residuals into their various waste streams for further*
11 *treatment, final disposal, or recycling.*

12 (2) *Notwithstanding any provision of law to the contrary, within one hundred twenty*
13 *(120) days after the effective date of this Act, the cabinet shall promulgate*
14 *administrative regulations pursuant to KRS Chapter 13A to implement a*
15 *comprehensive program of explosion and combustion abatement and control for*
16 *metal recycling facilities located less than two (2) miles from any residence,*
17 *school, or hospital. The administrative regulations shall set specific standards,*
18 *establish emission limits, and prescribe protective measures for:*

19 (a) *Noise;*

20 (b) *Hazardous emissions in the air, water, and soil;*

21 (c) *Flying objects, including scrap metal and fly rock, debris, and fugitive dust;*

22 (d) *Chemical agents and solvents and their resultant by-products used in the*
23 *industrial processes;*

24 (e) *Smoke and dust mitigation; and*

25 (f) *Any other mitigation measures that the cabinet deems necessary to protect*
26 *the health and safety of the public and the environment.*

27 (3) *The administrative regulations required by subsection (2) of this section shall*

1 specifically address the public and environmental hazards from explosions and
 2 combustible events at metal recycling facilities, including but not limited to:

3 (a) The fate and consequence of flying metal and other debris from the metal
 4 recycling industrial site;

5 (b) Damage to off-site buildings, roads, personal property such as automobiles,
 6 and other structures located in and around the metal recycling industrial
 7 site; and

8 (c) Reducing the degradation of the air, aquatic environments, and soils
 9 situated within two (2) miles of the industrial site.

10 (4) The administrative regulations promulgated under this section may require a
 11 metal recycling facility to utilize pre-shredders to detect and remove residues and
 12 other materials from the waste stream that should not be sent to the main
 13 shredder in order to reduce explosions, combustion, or noise, or to control the
 14 release of or provide further treatment of pollutants and contaminants.

15 ➔SECTION 2. A NEW SECTION OF SUBCHAPTER 30 OF KRS CHAPTER
 16 224 IS CREATED TO READ AS FOLLOWS:

17 Within seven (7) days of issuing a notice of violation to a metal recycling facility for
 18 noncompliance with any standard, limit, or preventative measure imposed by this
 19 subchapter or any administrative regulation promulgated thereto, the cabinet shall
 20 send a copy of the notice of the violation to the chief executive officer of the local
 21 government within which the facility is located.

22 ➔Section 3. KRS 224.30-175 is amended to read as follows:

23 (1) All local governments may develop, adopt, and maintain a comprehensive program
 24 of noise regulation. A program may include a study of the noise problems resulting
 25 from uses and activities within its jurisdiction and the development and adoption of
 26 a noise control plan.

27 (2) The cabinet shall send notice of any violations of noise standards of limits

1 imposed by administrative regulations promulgated pursuant to Section 1 of this
2 Act by a metal recycling facility to both the recycling facility and to the local
3 governing body where the facility is situated. As used in this subsection, "metal
4 recycling facility" has the same meaning as in Section 1 of this Act.