

**224.20-150 Permits for air contaminant sources that treat certain soils -- Fiscal court approval.**

- (1) Any air contaminant source that thermally treats soils that have been contaminated by releases of petroleum from underground tanks at commercial or industrial facilities where the soils are not otherwise regulated as hazardous waste shall be subject to this section, unless it accepts only those soils it has contaminated or those soils contaminated by its wholly-owned subsidiary. Any mobile unit for thermal treatment of petroleum contaminated soils where the unit processes the soils at, or in the immediate proximity, of the site of the soil contamination and which does not receive soils from other contaminated sites or facilities shall not be subject to this section.
- (2) The cabinet shall not issue a permit to construct or operate a new air contaminant source subject to this section unless the fiscal court in which that source will be located approves, after public notice and a public hearing, its construction or operation. The cabinet, upon request, shall conduct a public hearing at the same time the fiscal court conducts its public hearing. The cabinet and fiscal court public hearings shall be held simultaneously. A fiscal court shall not disapprove operation of a source if it has previously approved its construction. The fiscal court shall consider the social and economic impacts of that source on the affected county, including changes in property values, community perception, and other psychic costs; costs and availability of public service facilities and improvements required to support the source and to protect the public health, safety, and the environment; and the relationship of the source to local planning and existing development.
- (3) After a preliminary determination has been made concerning the issuance or denial of a permit authorizing the construction or reconstruction of an air contaminant source subject to this section or the modification of a permit for an air contaminant source subject to this section, when modification will cause an increase in the potential to emit one hundred (100) tons per year or more of any pollutant or any significant increase in emissions of a toxic air pollutant, the applicant shall notify the public by prominent advertisement in newspapers of general circulation in the locality in which the source will be located or modified of the application and preliminary determination with respect to the application. The cabinet shall send notice of its preliminary determination to the applicant, local governmental, land use bodies and local air pollution agencies, and persons on a mailing list that shall be maintained of interested persons requesting to receive the notices.
- (4) The cabinet shall provide a thirty (30) day comment period for receipt of comments pertaining to the preliminary determination with respect to applications to construct, reconstruct, or modify an air contaminant source subject to this section, and shall provide a detailed response to all significant comments when the final agency determination is made with respect to an application.

**Effective:** April 6, 1992

**History:** Created 1992 Ky. Acts ch. 223, sec. 1, effective April 6, 1992.