

**CHAPTER 130****( HB 563 )**

AN ACT relating to NORM and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) *The General Assembly finds that:*

- (a) *Naturally occurring radioactive material or "NORM" is a term defined in KRS 211.862;*
- (b) *Certain oil and gas production and storage activities result in the concentration or enhancement of the natural radioactivity of rocks or soils into NORM;*
- (c) *The Cabinet for Health and Family Services, Radiation Health Branch, is charged by KRS 211.842 with responsibility for radiation control in the Commonwealth;*
- (d) *The Division of Oil and Gas, the Division of Water, and the Division of Waste Management in the Energy and Environment Cabinet issue permits addressing oil and gas exploration and production operations and management of associated wastes;*
- (e) *The Energy and Environment Cabinet, Division of Oil and Gas was directed in 2003 to promulgate administrative regulations and take all actions necessary to ensure efficient oil and gas operations and to protect the property, health, and safety of the citizens of the Commonwealth in a manner consistent with KRS Chapter 353;*
- (f) *The Cabinet for Health and Family Services is specifically authorized to adopt administrative regulations necessary to implement the Central Midwest Interstate Low-Level Radioactive Waste Compact; and*
- (g) *The need for review and revision of the statutes and regulations associated with management of NORM wastes is necessary and advisable in order to ensure proper management and disposal of wastes containing NORM generated within or outside the Commonwealth.*

(2) *The Energy and Environment Cabinet and the Cabinet for Health and Family Services are directed to exercise their regulatory authority to revise existing regulations in order to ensure the proper management of oil and gas-related wastes containing NORM, including consideration of such issues as:*

- (a) *Development of a manifest system for the transport and disposal of NORM wastes and wastewater;*
- (b) *Development of administrative regulations as authorized by the General Assembly in KRS 211.865(3);*
- (c) *Review of state waste and water permitting programs to ensure proper management of wastes and wastewaters containing NORM; and*
- (d) *Identification of and recommendations on any changes to existing statutes in order to facilitate management of oil and gas production wastes in a manner commensurate with the risks that those wastes may pose to the public health and the environment.*

(3) *The Energy and Environment Cabinet and the Cabinet for Health and Family Services are encouraged to seek input from oil and gas producers, transporters of oil and gas wastes, the public at large, environmental organizations, the Kentucky Geological Survey, landfill owners and operators, and the Conference of Radiation Control Program Directors, among others, in revising the administrative regulations. The Energy and Environment Cabinet and the Cabinet for Health and Family Services shall report to the Legislative Research Commission their progress in complying with this section by December 1, 2016.*

➔Section 2. Whereas protection of the public health and the environment is of paramount importance in the production of oil and gas within the Commonwealth, and the revision of current administrative regulations to ensure proper management of oil and gas wastes containing elevated levels of radionuclides is of paramount concern to this General Assembly, domestic oil and gas producers, and the public, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 13, 2016.**

