

1 AN ACT relating to waste management.

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

3 ➔Section 1. KRS 224.43-010 is amended to read as follows:

- 4 (1) It is hereby declared to be the policy of this Commonwealth and the purpose of this
5 chapter to provide for the management of solid waste, including reduction,
6 collection, transportation, and disposal in a manner that will protect the public
7 health and welfare, prevent the spread of disease and creation of nuisances,
8 conserve our natural resources, and enhance the beauty and quality of our
9 environment.
- 10 (2) It is the policy of the Commonwealth to limit and reduce the amount of solid waste
11 disposed in municipal solid waste disposal facilities in the Commonwealth through
12 reduction in the amount of waste generated, reuse of solid waste, waste recycling or
13 yard waste composting, and resource recovery, and to encourage a regional
14 approach to solid waste management.
- 15 (3) It is the policy of the Commonwealth that municipal solid waste disposal facilities
16 that ceased accepting waste before July 1, 1992, undergo proper closure,
17 characterization, and corrective action.
- 18 (4) It is the policy of the Commonwealth that a comprehensive and integrated waste
19 management system to handle solid waste is to be fostered. State policies and
20 funding assistance shall reflect a preference for projects and practices consistent
21 with the policies and goals established by this section and the following:
- 22 (a) Education of the citizens of the Commonwealth regarding proper disposal of
23 waste;
- 24 (b) Collection and proper disposal of all of solid waste for proper management;
- 25 (c) Elimination of illegal dumps throughout the Commonwealth; and
- 26 (d) Abatement of litter on state and county rights-of-way.
- 27 (5) It is the policy of the Commonwealth that existing illegal open dumps be eliminated

1 and that new open dumps be prevented.

2 (6) The General Assembly finds that counties and waste management districts, when
3 enabled by complete and accurate information relating to the municipal solid waste
4 collection and management practices within the solid waste management area, are
5 in the best position to make plans for municipal solid waste collection services for
6 its citizens. Complete and accurate information includes citizen complaints,
7 formal investigations, and regulatory actions taken by the cabinet against a solid
8 waste disposal facility in the solid waste management area. The General Assembly
9 also finds that complete and accurate information and assistance from the cabinet,
10 combined with state financial incentives, can aid counties and waste management
11 districts with implementing solid waste management plans.

12 (7) The General Assembly finds that the goal of reducing the amount of solid waste
13 disposed of in municipal solid waste disposal facilities cannot be achieved without
14 first identifying the amount of municipal solid waste generated statewide per capita,
15 including the waste now disposed of in open dumps, and providing incentives for
16 the elimination of existing open dumps and the prevention of new open dumps.

17 ➔Section 2. KRS 224.43-310 is amended to read as follows:

18 (1) The Energy and Environment Cabinet of the Commonwealth of Kentucky is
19 designated as the official planning and management agency of the Commonwealth
20 of Kentucky in the field of solid waste. The cabinet shall have primary
21 responsibility for:

22 (a) Coordinating the solid waste planning and management activities of waste
23 management districts, counties, cities, area development districts, and any
24 combination thereof;

25 (b) Issuing quarterly solid waste action reports to the local solid waste
26 coordinator within the solid waste management area; and

27 (c) Approving or denying permits for~~the approval of~~ solid waste management

1 facilities. In doing so it shall be the goal of the cabinet to reduce the amount of
2 solid waste disposed in municipal solid waste disposal facilities within the
3 Commonwealth and to encourage regional management of solid waste.

4 (2) The cabinet shall have the primary responsibility to develop, review, report on, and
5 triennially update a statewide solid waste reduction and management plan. A draft
6 plan shall be prepared and made available for public inspection by December 1,
7 1991; a proposed final plan shall be submitted to the General Assembly by February
8 1, 1992; and a final plan shall be submitted to the General Assembly by March 1,
9 1992. The plan shall be designed to address the following:

- 10 (a) Coordination of area plans and provision of support for area planning efforts;
- 11 (b) Elimination of existing open dumps and prevention of new open dumps;
- 12 (c) Proper closure, characterization, and corrective action for municipal solid
13 waste disposal facilities that ceased accepting waste before July 1, 1992;
- 14 (d) Reductions in solid waste disposed in municipal solid waste disposal facilities
15 within the Commonwealth by actively promoting reuse and reduction
16 consistent with the policies and goals established by KRS 224.43-010;
- 17 (e) Adequate capacity exists for recycling or disposal of solid waste generated
18 within the Commonwealth for five (5), ten (10), and twenty (20) year planning
19 periods;
- 20 (f) Maintenance of disposal capacity for solid waste generated in the
21 Commonwealth if the cabinet acts to close a solid waste management facility;
- 22 (g) Encouragement of regional alternatives for waste reduction and management
23 in the planning process;
- 24 (h) Priority in grants and loans for projects and practices consistent with the
25 policies and goals established by KRS 224.43-010;
- 26 (i) Minimum standards and procedures for solid waste management plans as
27 established by the cabinet in administrative regulations;

- 1 (j) A description of the status of solid waste reduction and management efforts in
2 Kentucky;
- 3 (k) Identification of state actions and responsibilities necessary to implement this
4 chapter; and
- 5 (l) Identification of problems impeding the attainment of the policies and goals of
6 this chapter.
- 7 (3) The statewide solid waste reduction and management plan shall not establish
8 maximum disposal capacity limitations for the Commonwealth.
- 9 (4) The cabinet, beginning July 1, 1992, shall report annually to the Governor and to
10 the General Assembly on the status of solid waste management in the
11 Commonwealth. The report filed July 1, 1992, shall present the current status of
12 solid waste planning and management in the Commonwealth. Subsequent annual
13 reports shall include but not be limited to:
- 14 (a) The status of solid waste planning and management;
- 15 (b) The number and types of recycling and solid waste management facilities in
16 the Commonwealth;
- 17 (c) The status of actions taken to:
- 18 1. Eliminate existing open dumps and prevent new open dumps; and
19 2. Undertake proper closure, characterization, and corrective action for
20 municipal solid waste disposal facilities that ceased accepting waste
21 before July 1, 1992;
- 22 (d) The remaining permitted capacity of each permitted solid waste management
23 facility;
- 24 (e) The number and types of solid waste grants or loans made to cities, counties,
25 waste management districts, and area development districts;
- 26 (f) A compilation and analysis of solid waste reduction and management data
27 provided to the cabinet;

- 1 (g) A statement of progress achieved in meeting the policies and goals established
2 by KRS 224.43-010;
- 3 (h) A statement of progress achieved in solid waste management education;
- 4 (i) A statement of progress achieved in establishing regional solid waste
5 management approaches;
- 6 (j) Any revisions in the statewide solid waste reduction and management plan;
7 ~~and~~
- 8 (k) Recommendations for improving the reduction and management of solid
9 waste in the Commonwealth; and
- 10 *(l) A compilation and analysis of the quarterly data from the solid waste action*
11 *reports relating to the number and characterization of citizen complaints*
12 *and any investigations and actions undertaken by state or federal regulatory*
13 *agencies or law enforcement against solid waste disposal facilities located in*
14 *the solid waste management area submitted to the solid waste coordinator*
15 *for that area.*
- 16 (5) On March 1 of each year, each governing body shall report annually to the cabinet
17 on the status of solid waste management in its area. The annual report shall include
18 but not be limited to:
- 19 (a) The amount of in-area and out-of-area municipal solid waste disposed in
20 municipal solid waste disposal facilities in the area;
- 21 (b) The total cumulative progress made toward meeting the policies and goals
22 established by KRS 224.43-010;
- 23 (c) The remaining permitted capacity of disposal facilities;
- 24 (d) Recycling and composting activities in existence;
- 25 (e) Public information and education activities during the reporting period
26 including public campaigns urging participation in a municipal solid waste
27 collection system and public campaigns promoting anti-litter and anti-

1 dumping behavior with an accounting by the governing body of funds spent,
2 labor expended, volunteer time and money expended, and an estimation of the
3 campaign's effect;

4 (f) The number of households within the area served by the governing body and
5 the methods of public or private municipal solid waste collection available to
6 them, the cost to the households using the collection system, the percentage of
7 households using each method of municipal solid waste collection available to
8 them, the cost to the governing body of providing a municipal solid waste
9 collection system, how the cost is paid for by the governing body, and the
10 percentage of the cost that is recovered through service fees, including a
11 complete accounting for collected fees, uncollected fees, and success in
12 recovering uncollected fees;

13 (g) Progress made since the last report on cleaning up illegal open dumps,
14 including the number of open dumps eliminated since the last report or the last
15 solid waste management plan revision, the total and average cost per open
16 dump elimination, and identification of new open dumps or cleaned up open
17 dumps that have been used again for illegal dumping;

18 (h) Fees for solid waste management assessed and collected;

19 (i) Costs of any projects undertaken pursuant to the solid waste management
20 plan; and

21 (j) Any other pertinent information as may be required by the cabinet.

22 **(6) The cabinet shall submit a solid waste action report to the solid waste coordinator**
23 **of each solid waste management area on the number and characterization of**
24 **citizen complaints received during that quarter along with the status of any**
25 **investigations and enforcement actions undertaken by either state or federal**
26 **regulatory agencies or by law enforcement against the solid waste disposal**
27 **facilities in the solid waste management area. The solid waste coordinator shall**

1 *forward a copy of the report to the fiscal court of every county located in the solid*
2 *waste management area.*

3 ➔Section 3. KRS 224.43-340 is amended to read as follows:

4 (1) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter
5 224 for the reduction and management of solid waste *and for the issuance of*
6 *quarterly solid waste action reports to the solid waste coordinator within the solid*
7 *waste management area,* consistent with the statewide solid waste reduction and
8 management plan, the goals established by KRS 224.43-010, and the provisions of
9 KRS Chapter 109.

10 (2) Waste management districts, counties, or any combination thereof, shall confer and
11 determine which shall submit to the cabinet a solid waste management plan. The
12 plan shall address municipal solid waste management needs for the area. Each
13 county shall be responsible for implementing the plan, except that any city that
14 develops the portion of the area plan applicable to its jurisdiction under KRS
15 224.43-315 shall be responsible for implementing the portion of the plan prepared
16 by the city. However, if a county participates in a regional solid waste management
17 area, then the governing body of the solid waste management area shall be
18 responsible for implementing those components of the plan it is assuming on behalf
19 of the county. In counties containing a consolidated local government, all
20 municipalities therein shall be deemed to be participating in the solid waste
21 management plan adopted by the waste management district unless a municipality
22 shall, by ordinance, specifically opt out of the plan, in which event the municipality
23 shall comply with all requirements of KRS Chapter 224 and administrative
24 regulations promulgated pursuant thereto. However, the cabinet shall not
25 disapprove a solid waste management plan for a single county or municipality
26 within a consolidated local government if the plan complies with the requirements
27 of KRS Chapter 224 and administrative regulations adopted by the cabinet. Plans

1 shall be updated once every five (5) years. Plans may be amended and such
2 amendments shall be submitted to the cabinet for review and approval. The review
3 and approval of the cabinet shall be limited to a determination of whether the
4 proposed amendments are in conformity with KRS 224.43-345 and the statewide
5 solid waste reduction and management plan and KRS Chapter 224 and
6 administrative regulations adopted by the cabinet.

7 (3) A county may delegate responsibility for preparing all or portions of the plan to one
8 (1) or more cities within the county. Such delegation of responsibility shall be made
9 only with the mutual agreement of the city and county. Each city and county shall
10 be included in a solid waste management plan.

11 (4) Cities authorized under KRS 224.43-315 shall have the sole responsibility for
12 developing and preparing the portion of the solid waste management plan applicable
13 to the jurisdiction of the city, unless the city elects to have the county prepare the
14 plan. If the city prepares the solid waste management plan for its jurisdiction, the
15 city plan shall be incorporated within the area plan prior to its submission to the
16 cabinet. The plan developed by the city, to the extent practicable, shall be
17 reasonably consistent with the plan developed by the county. The cabinet, as a part
18 of the area plan approval process, shall determine whether the city portion of the
19 area plan is reasonably consistent with the overall area plan so as to effectuate the
20 purposes of this chapter.

21 (5) Cities, other than those authorized under KRS 224.43-315, operating solid waste
22 management facilities or services, or who contracted with a person to provide such
23 services on or before July 13, 1984, and pay a pro rata share of the cost of plan
24 development may assume joint responsibility with a county for plan development.
25 Where joint responsibility for plan development is assumed, both the county fiscal
26 court and city legislative body must adopt the plan before it is submitted to the
27 cabinet for approval.

- 1 (6) Counties, waste management districts, or any combination thereof preparing the
2 solid waste management plan shall apply for and be designated as a solid waste
3 management area. The application shall be submitted by June 1, 1991. The
4 application shall include but not be limited to:
- 5 (a) A brief description of existing disposal capacity and of the capability of the
6 proposed area to effectively manage solid waste;
 - 7 (b) Resolution of the fiscal courts of all counties in the proposed area approving
8 the application for designation;
 - 9 (c) Resolution of those city legislative bodies in the proposed area that are
10 currently operating solid waste management facilities or services and will
11 participate in and provide financial assistance in plan development;
 - 12 (d) Any agreement or contract necessary to establish the proposed area; and
 - 13 (e) Resolution of the boards of any existing waste management districts located
14 within the proposed area approving the application for designation.
- 15 (7) The jurisdiction of the solid waste management area shall be limited to the
16 geographical area established or designated by the cabinet in accordance with the
17 provisions of this chapter unless the preparer submits justification for any deviation
18 therefrom acceptable to the cabinet.
- 19 (8) Upon receipt of such application, the cabinet shall, within thirty (30) days either
20 approve the creation of a proposed solid waste management area or shall disapprove
21 such application, and in the event of disapproval shall state in writing the reasons
22 for such disapproval. Any changes in the application contents shall be submitted to
23 the cabinet.
- 24 (9) Solid waste management areas shall be designated for five (5) year periods. At the
25 end of five (5) years, the plan shall be updated and reapproved by the cabinet.
- 26 (10) If the cabinet does not receive on behalf of a county a solid waste management plan
27 and the application for a solid waste management area in which the county will

1 participate required by this section and KRS 224.43-345, the cabinet may develop a
2 solid waste management plan for that county or may place that county in a
3 designated solid waste management area.

4 (11) If the solid waste management plan for a county is not implemented, the
5 Commonwealth shall not endorse projects that generate solid waste under the
6 Kentucky intergovernmental review process for that county.

7 (12) The governing body of a solid waste management area may employ an enforcement
8 representative to ensure compliance with applicable regulations of the cabinet
9 relating to construction and operation of municipal solid waste management
10 facilities. The enforcement representative shall possess at least minimum
11 qualifications required of representatives of the cabinet performing similar
12 functions.