

1 AN ACT relating to solid waste management.

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

3 ➔Section 1. KRS 224.1-010 is amended to read as follows:

4 As used in this chapter unless the context clearly indicates otherwise:

- 5 (1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other
6 particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or
7 any combination thereof;
- 8 (2) "Air contaminant source" means any and all sources of emission of air
9 contaminants, whether privately or publicly owned or operated. Without limiting
10 the generality of the foregoing, this term includes all types of business, commercial
11 and industrial plants, works, shops, and stores, and heating and power plants and
12 stations, buildings and other structures of all types, including single and multiple
13 family residences, apartments, houses, office buildings, public buildings, hotels,
14 restaurants, schools, hospitals, churches, and other institutional buildings,
15 automobiles, trucks, tractors, buses and other motor vehicles, garages and vending
16 and service locations and stations, railroad locomotives, ships, boats and other
17 waterborne craft, portable fuel-burning equipment, incinerators of all types (indoor
18 and outdoor), refuse dumps and piles, and all stack and other chimney outlets from
19 any of the foregoing;
- 20 (3) "Air pollution" means the presence in the outdoor atmosphere of one (1) or more air
21 contaminants in sufficient quantities and of such characteristics and duration as is or
22 threatens to be injurious to human, plant, or animal life, or to property, or which
23 unreasonably interferes with the comfortable enjoyment of life or property;
- 24 (4) "Closure" means the time at which a waste treatment, storage, or disposal facility
25 permanently ceases to accept wastes, and includes those actions taken by the owner
26 or operator of the facility to prepare the site for post-closure monitoring and
27 maintenance or to make it suitable for other uses;

- 1 (5) "Compost" means solid waste which has undergone biological decomposition of
2 organic matter, been disinfected using composting or similar technologies, been
3 stabilized to a degree which is potentially beneficial to plant growth and which is
4 approved for use or sale as a soil amendment, artificial topsoil, growing medium
5 amendment, or other similar uses;
- 6 (6) "Composting" means the process by which biological decomposition of organic
7 solid waste is carried out under controlled aerobic conditions, and which stabilizes
8 the organic fraction into a material which can easily and safely be stored, handled,
9 and used in an environmentally acceptable manner:
- 10 (a) "Composting" may include a process which creates an anaerobic zone within
11 the composting material;
- 12 (b) "Composting" does not include simple exposure of solid waste under
13 uncontrolled conditions resulting in natural decay;
- 14 (7) "Demonstration" means the initial exhibition of a new technology, process or
15 practice or a significantly new combination or use of technologies, processes or
16 practices, subsequent to the development stage, for the purpose of proving
17 technological feasibility and cost effectiveness;
- 18 (8) "Cabinet" means the Energy and Environment Cabinet;
- 19 (9) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or
20 placing of any waste into or on any land or water so that such waste or any
21 constituent thereof may enter the environment or be emitted into the air or
22 discharged into any waters, including ground waters;
- 23 (10) "District" means an air pollution control district as provided for in KRS Chapter 77;
- 24 (11) "Effluent limitations" means any restrictions or prohibitions established under state
25 law which include, but are not limited to, effluent limitations, standards of
26 performance for new sources, and toxic effluent standards on quantities, rates, and
27 concentrations of chemical, physical, biological, and other constituents which are

1 discharged into waters;

2 (12) "Generator" means any person, by site, whose act or process produces waste;

3 (13) "Materials recovery facility" means a solid waste management facility that provides
4 for the extraction from solid waste of recyclable materials, materials suitable for use
5 as a fuel or soil amendment, or any combination of those materials;

6 (14) "Municipal solid waste disposal facility" means any type of waste site or facility
7 where the final deposition of any amount of municipal solid waste occurs, whether
8 or not mixed with or including other waste allowed under Subtitle D of the Federal
9 Resource Conservation and Recovery Act of 1976, as amended, and includes but is
10 not limited to incinerators and waste-to-energy facilities that burn municipal solid
11 waste and contained and residential landfills, but does not include:

12 (a) A medical waste incinerator which is owned, operated, and located on the
13 property of a hospital or university regulated by the cabinet and used for the
14 purpose of treatment, prior to landfill, of medical waste received from the
15 generator exclusively or in combination with medical waste generated by
16 professionals or facilities licensed or regulated or operated by the
17 Commonwealth;

18 (b) An advanced recycling facility; or

19 (c) A residual waste site or facility if the:

20 1. Waste site or facility is owned and operated exclusively by the
21 generator of the solid waste;

22 2. Waste site or facility only accepts residual solid waste from an
23 industrial or manufacturing plant, business, or operation that is
24 owned and operated by the residual waste generator or by the residual
25 waste generator's wholly owned subsidiary; and

26 3. County where the residual waste is generated by the industrial or
27 manufacturing plant, business, or operation owned and operated by

1 *the residual waste generator or by the residual waste generator's*
2 *wholly owned subsidiary is the same county where the residual waste*
3 *site or facility is located*~~[which is operated exclusively by a solid waste~~
4 ~~generator on property owned by the solid waste generator which accepts~~
5 ~~only industrial solid waste from the solid waste generator or industrial~~
6 ~~solid waste generated at another facility owned and operated by the~~
7 ~~generator or wholly owned subsidiary, or a medical waste incinerator~~
8 ~~which is owned, operated, and located on the property of a hospital or~~
9 ~~university which is regulated by the cabinet and used for the purpose of~~
10 ~~treatment, prior to landfill, of medical waste received from the generator~~
11 ~~exclusively or in combination with medical waste generated by~~
12 ~~professionals or facilities licensed or regulated or operated by the~~
13 ~~Commonwealth];~~

14 (15) "Municipal solid waste reduction" means source reduction, waste minimization,
15 reuse, recycling, composting, and materials recovery;

16 (16) "Person" means an individual, trust, firm, joint stock company, corporation
17 (including a government corporation), partnership, association, federal agency, state
18 agency, city, commission, political subdivision of the Commonwealth, or any
19 interstate body;

20 (17) "Post-closure monitoring and maintenance" means the routine care, maintenance,
21 and monitoring of a solid waste or hazardous waste treatment, storage, or disposal
22 facility following closure of the facility;

23 (18) "Publicly owned treatment works" means any device or system used in the
24 treatment (including recycling and recovery) of municipal sewage or industrial
25 wastes of a liquid nature which is owned by the Commonwealth or a political
26 subdivision of the Commonwealth;

27 (19) "Recovered material" means those materials, including but not limited to compost,

1 which have known current use, reuse, or recycling potential, which can be feasibly
2 used, reused, or recycled, and which have been diverted or removed from the solid
3 waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent
4 separation and processing, but does not include materials diverted or removed for
5 purposes of energy recovery or combustion except refuse-derived fuel (RDF),
6 which shall be credited as a recovered material in an amount equal to that
7 percentage of the municipal solid waste received on a daily basis at the processing
8 facility and processed into RDF; but not to exceed fifteen percent (15%) of the total
9 amount of the municipal solid waste received at the processing facility on a daily
10 basis. Notwithstanding any provision of law to the contrary, tire-derived fuel, as
11 defined in subsection (53) of this section, shall be considered a recovered material;

12 (20) "Recovered material processing facility" means a facility engaged solely in the
13 storage, processing, and resale or reuse of recovered material, but does not mean a
14 solid waste management facility if solid waste generated by a recovered material
15 processing facility is managed pursuant to this chapter and administrative
16 regulations adopted by the cabinet;

17 (21) "Recycling" means any process by which materials which would otherwise become
18 solid waste are collected, separated, or processed and reused or returned to use in
19 the form of raw materials or products, including refuse-derived fuel when processed
20 in accordance with administrative regulations established by the cabinet, but does
21 not include the incineration or combustion of materials for the recovery of energy;

22 (22) "Refuse-derived fuel" means a sized, processed fuel product derived from the
23 extensive separation of municipal solid waste, which includes the extraction of
24 recoverable materials for recycling and the removal of nonprocessables such as dirt
25 and gravel prior to processing the balance of the municipal solid waste into the
26 refuse-derived fuel product;

27 (23) "Secretary" means the secretary of the Energy and Environment Cabinet;

- 1 (24) "Sewage system" means individually or collectively those constructions or devices
2 used for collecting, pumping, treating, and disposing of liquid or waterborne
3 sewage, industrial wastes, or other wastes;
- 4 (25) "Termination" means the final actions taken by the cabinet as to a solid waste or
5 hazardous waste treatment, storage, or disposal facility when formal responsibilities
6 for post-closure monitoring and maintenance cease;
- 7 (26) "Waste site or facility" means any place where waste is managed, processed, or
8 disposed of by incineration, landfilling, or any other method, but does not include a
9 container located on property where solid waste is generated and which is used
10 solely for the purpose of collection and temporary storage of that solid waste prior
11 to off-site disposal, or a recovered material processing facility, or an advanced
12 recycling facility, or the combustion of processed waste in a utility boiler;
- 13 (27) "Storage" means the containment of wastes, either on a temporary basis or for a
14 period of years, in such a manner as not to constitute disposal of such wastes;
- 15 (28) "Transportation" means any off-site movement of waste by any mode, and any
16 loading, unloading, or storage incidental thereto;
- 17 (29) "Treatment" means any method, technique, or process, including neutralization,
18 designed to change the physical, chemical, or biological character or composition of
19 any waste so as to neutralize such waste or so as to render such waste
20 nonhazardous, safer for transport, amenable for recovery, amenable for storage, or
21 reduced in volume. Such term includes any activity or processing designed to
22 change the physical form or chemical composition of hazardous waste so as to
23 render it nonhazardous;
- 24 (30) "Waste" means:
- 25 (a) "Solid waste" means any garbage, refuse, sludge, and other discarded
26 material, including solid, liquid, semi-solid, or contained gaseous material
27 resulting from industrial, commercial, mining (excluding coal mining wastes,

1 coal mining by-products, refuse, and overburden), agricultural operations, and
2 from community activities, but does not include those materials including, but
3 not limited to, sand, soil, rock, gravel, or bridge debris extracted as part of a
4 public road construction project funded wholly or in part with state funds,
5 recovered material, post-use polymers or recovered feedstocks, tire-derived
6 fuel, special wastes as designated by KRS 224.50-760, solid or dissolved
7 material in domestic sewage, manure, crops, crop residue, or a combination
8 thereof which are placed on the soil for return to the soil as fertilizers or soil
9 conditioners, or solid or dissolved material in irrigation return flows or
10 industrial discharges which are point sources subject to permits under Section
11 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or
12 source, special nuclear, or by-product material as defined by the Atomic
13 Energy Act of 1954, as amended (68 Stat. 923):

- 14 1. "Household solid waste" means solid waste, including garbage and trash
15 generated by single and multiple family residences, hotels, motels,
16 bunkhouses, ranger stations, crew quarters, and recreational areas such
17 as picnic areas, parks, and campgrounds, but it does not include tire-
18 derived fuel;
- 19 2. "Commercial solid waste" means all types of solid waste generated by
20 stores, offices, restaurants, warehouses, and other service and
21 nonmanufacturing activities, excluding tire-derived fuel and household
22 and industrial solid waste;
- 23 3. "Industrial solid waste" means solid waste generated by manufacturing
24 or industrial processes that is not a hazardous waste or a special waste as
25 designated by KRS 224.50-760, including but not limited to waste
26 resulting from the following manufacturing processes: electric power
27 generation; fertilizer or agricultural chemicals; food and related products

1 or by-products; inorganic chemicals; iron and steel manufacturing;
2 leather and leather products; nonferrous metals
3 manufacturing/foundries; organic chemicals; plastics and resins
4 manufacturing; pulp and paper industry; rubber and miscellaneous
5 plastic products, except tire-derived fuel; stone, glass, clay, and concrete
6 products; textile manufacturing; transportation equipment; and water
7 treatment; and

8 4. "Municipal solid waste" means household solid waste and commercial
9 solid waste; and

10 (b) "Hazardous waste" means any discarded material or material intended to be
11 discarded or substance or combination of such substances intended to be
12 discarded, in any form which because of its quantity, concentration or
13 physical, chemical or infectious characteristics may cause, or significantly
14 contribute to an increase in mortality or an increase in serious irreversible, or
15 incapacitating reversible, illness or pose a substantial present or potential
16 hazard to human health or the environment when improperly treated, stored,
17 transported, or disposed of, or otherwise managed;

18 (31) "Waste management district" means any county or group of counties electing to
19 form under the provisions of KRS Chapter 109 and operate in conformance with the
20 provisions of KRS Chapter 109 and with Section 4006, Resource Conservation and
21 Recovery Act of 1976, as amended (Public Law 94-580);

22 (32) "Water" or "waters of the Commonwealth" means and includes any and all rivers,
23 streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and
24 all other bodies of surface or underground water, natural or artificial, situated
25 wholly or partly within or bordering upon the Commonwealth or within its
26 jurisdiction;

27 (33) "Water pollution" means the alteration of the physical, thermal, chemical,

1 biological, or radioactive properties of the waters of the Commonwealth in such a
2 manner, condition, or quantity that will be detrimental to the public health or
3 welfare, to animal or aquatic life or marine life, to the use of such waters as present
4 or future sources of public water supply or to the use of such waters for
5 recreational, commercial, industrial, agricultural, or other legitimate purposes;

6 (34) "Pollutant" means and includes dredged spoil, solid waste, incinerator residue,
7 sewage, sewage sludge, garbage, chemical, biological or radioactive materials, heat,
8 wrecked or discarded equipment, rock, sand, soil, industrial, municipal or
9 agricultural waste, and any substance resulting from the development, processing,
10 or recovery of any natural resource which may be discharged into water;

11 (35) "NPDES" means National Pollutant Discharge Elimination System;

12 (36) "Manifest" means the form used for identifying the quantity, composition, and the
13 origin, routing, and destination of waste during its transportation from the point of
14 generation to the point of disposal, treatment, or storage;

15 (37) "Open dump" means any facility or site for the disposal of solid waste which does
16 not have a valid permit issued by the cabinet or does not meet the environmental
17 performance standards established under regulations promulgated by the cabinet;

18 (38) "Solid waste management" means the administration of solid waste activities:
19 collection, storage, transportation, transfer, processing, treatment, and disposal,
20 which shall be in accordance with a cabinet-approved county or multicounty solid
21 waste management plan;

22 (39) "Solid waste management area" or "area" means any geographical area established
23 or designated by the cabinet in accordance with the provisions of this chapter;

24 (40) "Solid waste management facility" means any facility for collection, storage,
25 transportation, transfer, processing, treatment, or disposal of solid waste, whether
26 such facility is associated with facilities generating such wastes or otherwise, but
27 does not include a container located on property where solid waste is generated and

1 which is used solely for the purpose of collection and temporary storage of that
2 solid waste prior to off-site disposal, or a recovered material processing facility or
3 advanced recycling facility, both of which are otherwise subject to regulation
4 pursuant to this chapter for control of environmental impacts and to prevent any
5 public nuisance;

6 (41) "Hazardous constituent" shall conform to the requirements of the Resource
7 Conservation and Recovery Act (RCRA), as amended;

8 (42) "Land disposal" includes but is not limited to any placement of hazardous waste in
9 a landfill, surface impoundment, waste pile, injection well, land treatment facility,
10 salt dome formation, salt bed formation, or underground mine or cave;

11 (43) "Key personnel" means an officer, partner, director, manager, or shareholder of five
12 percent (5%) or more of stock or financial interest in a corporation, partnership, or
13 association or parent, subsidiary, or affiliate corporation and its officers, directors,
14 or shareholders of five percent (5%) or more of stock or financial interest;

15 (44) "Universal collection" means a municipal solid waste collection system which is
16 established by ordinance and approved by the cabinet and requires access for each
17 household or solid waste generator in a county. A commercial or industrial entity
18 which transports or contracts for the transport of the municipal solid waste it
19 generates or which operates a solid waste management facility for its exclusive use
20 may be excluded from participation;

21 (45) "Governing body" means a county, a waste management district, an entity created
22 pursuant to the Interlocal Cooperation Act, a taxing district created pursuant to the
23 provisions of KRS 65.180 to 65.192, a special district created pursuant to the
24 provisions of KRS 65.160 to 65.176, or counties acting under contract pursuant to
25 KRS 109.082;

26 (46) "Convenience center" means a facility that is manned during operating hours for the
27 collection and subsequent transportation of municipal solid wastes;

- 1 (47) "Transfer facility" means any transportation related facility including loading
2 docks, parking areas, and other similar areas where shipments of solid waste are
3 held or transferred during the normal course of transportation;
- 4 (48) "Collection box" means an unmanned receptacle utilized to collect municipal solid
5 waste;
- 6 (49) "Newsprint" means that class or kind of paper chiefly used for printing newspapers
7 and weighing more than twenty-four and one-half (24 1/2) pounds, but less than
8 thirty-five (35) pounds for five hundred (500) sheets of paper two (2) feet by three
9 (3) feet in size, on rolls that are not less than thirteen (13) inches wide and twenty-
10 eight (28) inches in diameter and having a brightness of less than sixty (60);
- 11 (50) "Postconsumer waste paper" means discarded paper after it has served its intended
12 use by a publisher;
- 13 (51) "Publisher" means a person engaged in the business of publishing newspapers,
14 advertisement flyers, telephone books, and other printed material;
- 15 (52) "Recycled content" means the proportion of fiber in newsprint that is derived from
16 postconsumer waste paper;
- 17 (53) "Tire-derived fuel" or "TDF" means a product made from waste tires to the exact
18 specifications of a system designed to accept tire-derived fuel as a primary or
19 supplemental fuel source, that have been reduced to particle sizes not greater than
20 two (2) inches by two (2) inches and that is destined for transportation from the
21 waste tire processor for use as a fuel. "Tire-derived fuel" shall not mean refuse-
22 derived fuel;
- 23 (54) "Industrial energy facility" means a facility that produces transportation fuels,
24 synthetic natural gas, chemicals, or electricity through a gasification process using
25 coal, coal waste, or biomass resources, and costing in excess of seven hundred fifty
26 million dollars (\$750,000,000) at the time of construction;
- 27 (55) "Advanced recycling" means a manufacturing process for the conversion of post-

1 use polymers and recovered feedstocks into basic hydrocarbon raw materials,
2 feedstocks, chemicals, and other products through processes that include pyrolysis,
3 gasification, depolymerization, catalytic cracking, reforming, hydrogenation,
4 solvolysis, and other similar technologies. "Advanced recycling" does not include
5 energy recovery or the conversion of post-use polymers into fuel substitutes for use
6 in energy production;

7 (56) "Advanced recycling facility" means a manufacturing facility that receives, stores,
8 and converts post-use polymers and recovered feedstocks it receives using
9 advanced recycling;

10 (57) "Depolymerization" means a manufacturing process where post-use polymers are
11 broken into smaller molecules such as monomers and oligomers or raw,
12 intermediate, or final products, plastics and chemical feedstocks, basic and
13 unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons;

14 (58) "Gasification" means a process through which post-use polymers and recovered
15 feedstocks are heated and converted into a fuel and gas mixture in an oxygen-
16 deficient atmosphere, and then converted into raw, intermediate, and final products;

17 (59) "Post-use polymer" means a plastic polymer that:

18 (a) Is derived from any industrial, commercial, agricultural, or domestic
19 activities;

20 (b) Is not mixed with solid waste or hazardous waste on-site or during processing
21 at the advanced recycling facility;

22 (c) Has a use or intended use as a feedstock for the manufacturing of other
23 feedstocks, raw materials, intermediate products, or final products using
24 advanced recycling;

25 (d) Has been sorted from solid waste and other regulated waste, but may contain
26 residual amounts of solid waste and incidental contaminants or impurities; and

27 (e) Is processed at an advanced recycling facility or held at such facility prior to

1 processing;

2 (60) "Pyrolysis" means a manufacturing process through which post-use polymers are
3 heated in the absence of oxygen until melted and thermally decomposed, and are
4 then cooled, condensed, and converted into raw materials, intermediate products, or
5 final products;

6 (61) (a) "Recovered feedstock" means one (1) or more of the following materials that
7 has been processed so that it may be used as feedstock in an advanced
8 recycling facility:

- 9 1. Post-use polymers; and
- 10 2. Materials for which the United States Environmental Protection Agency
11 has made a nonwaste determination pursuant to applicable federal
12 requirements or has otherwise determined are feedstocks and not solid
13 waste.

14 (b) "Recovered feedstock" does not include:

- 15 1. Unprocessed municipal solid waste; or
- 16 2. Material that is mixed with solid waste or hazardous waste on-site or
17 during processing at an advanced recycling facility;~~and~~

18 (62) "Solvolysis" means a manufacturing process through which post-use polymers are
19 purified with the aid of solvents while heated at low temperatures or pressurized to
20 make raw materials, intermediate products, or final products, while allowing
21 additives and contaminants to be removed. "Solvolysis" includes but is not limited
22 to hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis;

23 **(63) "Residual waste" means a limited number of nonhazardous, industrial wastes**
24 **approved by the cabinet that are generated by manufacturing or industrial**
25 **processes and that are fully characterizable. A "residual waste" is not a waste**
26 **generated outside of the county where the industrial or manufacturing plant,**
27 **business, or operation of a residual waste site owner or operator is located**

1 regardless of whether the waste was used in the manufacturing or industrial
2 processes of the plant, business, or operation; and
3 (64) "Residual landfill" means a waste site or waste facility designed for the disposal
4 of residual wastes.

5 ➔Section 2. KRS 224.40-315 is amended to read as follows:

- 6 (1) No permit to construct or expand a municipal solid waste disposal facility shall be
7 accepted for processing by the cabinet unless the application contains a
8 determination from the governing body for the solid waste management area in
9 which the facility is or will be located concerning the consistency of the application
10 with the area solid waste management plan submitted under KRS 224.43-345(1)(a)
11 to (d) and (l) until January 1, 1993, and the entire plan after January 1, 1993. The
12 governing body for the area shall, within sixty (60) days of receipt of a written
13 request, make the determination after public notice and opportunity for public
14 comment and public hearing. For applications with a notice of intent filed prior to
15 February 26, 1991, the cabinet shall continue to process the application but no
16 permit shall be approved until the governing body for the solid waste management
17 area in which the facility is or will be located has made a determination in
18 accordance with this section.
- 19 (2) No permit to construct or expand a municipal solid waste disposal facility shall be
20 approved unless the applicant affirmatively demonstrates and the cabinet makes a
21 written finding in the preliminary determination made pursuant to KRS 224.40-
22 310(2) that the application conforms to and is consistent with all of the following:
- 23 (a) The capacity needs identified in the area solid waste management plan;
 - 24 (b) Other elements of the area solid waste management plan, for permit
25 applications filed after approval of those elements;
 - 26 (c) The statewide solid waste reduction and management plan, for permit
27 applications filed after completion of the plan; and

1 (d) Applicable zoning regulations adopted pursuant to KRS Chapter 100.

2 (3) If the cabinet approves a permit to construct or expand a municipal solid waste
3 management facility after the governing body for the area has determined the
4 application to be inconsistent with the area solid waste management plan, as part of
5 the written finding the cabinet shall state in detail the reasons why it did not accept
6 the determination of the governing body for the area.

7 (4) For the purposes of this section, the term municipal solid waste disposal facility
8 includes, in addition to those facilities defined in KRS 224.1-010(14), any residual
9 landfill, waste site, or waste facility, any ~~or~~ contained landfill, or any incinerator
10 disposing of industrial solid waste for a fee, but shall ~~does~~ not include a residual
11 waste site or facility if ~~which is~~

12 (a) The residual waste site or facility is owned and operated exclusively by
13 the~~a~~ solid waste generator;

14 (b) The residual waste site or facility only accepts residual waste from an
15 industrial or manufacturing plant, business, or operation that is owned and
16 operated by the solid waste generator or by the solid waste generator's
17 wholly owned subsidiary; and

18 (c) The county where the residual waste is generated by the industrial or
19 manufacturing plant, business, or operation owned and operated by the
20 solid waste generator or by the solid waste generator's wholly owned
21 subsidiary is located in the same county where the residual waste site or
22 facility is located~~on property owned by the solid waste generator which~~
23 ~~Accepts only industrial solid waste from the solid waste generator or~~
24 ~~industrial solid waste generated at another facility owned and operated by the~~
25 ~~generator or wholly owned subsidiary].~~

26 Any industrial solid waste generated outside of and then transported into the
27 county where the industrial or manufacturing plant, business, or operation of a

1 residual waste site owner or operator is located shall not be deemed a residual
2 solid waste, and the waste shall not be disposed of in the residual waste site or
3 facility by its owner or operator or by the solid waste generator's wholly owned
4 subsidiary regardless of whether the industrial solid waste was used in the
5 manufacturing or industrial processes of the plant, business, or operation.

6 ➔Section 3. KRS 224.43-345 is amended to read as follows:

7 (1) Each area solid waste management plan shall be prepared in accordance with any
8 administrative regulations of the cabinet and shall be required to include the
9 following:

10 (a) Identification of the area that will be included in the plan;

11 (b) A demographic study of the planning area of current and projected
12 populations five (5), ten (10) and twenty (20) years in the future. A projection
13 of the amount and source of solid waste generated, collected, and requiring
14 disposal at municipal solid waste disposal facilities for each of these time
15 periods shall be provided;

16 (c) An inventory and description of all existing solid waste management facilities
17 and activities. The description shall include their identity, location, life
18 expectancies, ownership, cost to the users, and level of compliance with state
19 and federal laws. The description is not required to include any solid waste
20 management facility which is operated exclusively by a solid waste generator
21 on property owned by the solid waste generator for the purpose of accepting
22 solid waste from the solid waste generator or waste generated at another
23 facility owned and operated by the generator or wholly owned subsidiary.
24 After commencement of operation by a solid waste generator of a solid waste
25 disposal facility which is permitted but not included in a solid waste
26 management plan, an amendment to a solid waste management plan shall be
27 required for any solid waste which is to be no longer disposed by the solid

- 1 waste generator in its own solid waste disposal facility;
- 2 (d) An estimate of the area's long-range needs for solid waste management and
3 facilities for five (5), ten (10), and twenty (20) years into the future;
- 4 (e) Identification and assessment of current and future solid waste management
5 problems faced by the area. List any deficiencies with existing solid waste
6 management facilities in meeting current and future area needs, and identify
7 opportunities for improvement;
- 8 (f) Outline short-term, mid-term, and long-term goals and objectives of the solid
9 waste management area. The goals and objectives shall be consistent with the
10 policies and goals set out in KRS 224.43-010;
- 11 (g) Based on the problems, needs, goals, and objectives previously identified,
12 identify alternative approaches to solid waste management and select the
13 optimal alternatives. Solid waste management activities and facilities to be
14 addressed include:
- 15 1. Identification of those regulations and ordinances which provide for
16 proper, safe, and sanitary management of solid waste;
 - 17 2. A description of proposed improvements to existing solid waste
18 collection and transportation systems necessary to achieve universal
19 collection;
 - 20 3. Establishment of a siting procedure and development program to assure
21 the orderly location, development, and financing of new or expanded
22 municipal solid waste management facilities. The plan shall demonstrate
23 how all persons in the planning area will within the near future have
24 reasonable opportunity to dispose of their waste in a manner that
25 complies with state and federal laws;
 - 26 4. Identification of planned programs for the control and cleanup of litter
27 and open dumps. The programs shall include: identification of an

1 approved schedule for the cleanup of open dumps in existence as of
2 October 1, 2002; an annual survey of the planning area to discover new
3 open dumps which shall then be scheduled for cleanup within one (1)
4 year unless the cabinet approves a longer schedule; measures to prevent
5 the recurrence of dumping at sites which are cleaned up; cleanup of litter
6 along public roads three (3) times per year; and cleanup of litter along
7 city streets two (2) times per year. In these public road cleanups and also
8 open dump cleanups, nonviolent misdemeanor and Class D felon
9 inmate laborers may be used. A county that does not receive in any year
10 an allocation from the Kentucky pride fund sufficient to complete the
11 number of road cleanups provided for in this section shall not be deemed
12 out of compliance;

13 5. An assessment of opportunities to reduce the need for land disposal by
14 banning grass clippings, leaves, and other yard wastes from municipal
15 solid waste disposal facilities and the institution of composting
16 operations for grass clippings, leaves, and other yard wastes;

17 6. Establishment of a plan to reduce the need for land disposal through
18 waste reduction and recycling, materials recovery, and energy recovery
19 and the provision of opportunities for recycling that may include, but are
20 not limited to, drop-off centers or door-to-door collection. Where
21 recycling or material recovery is not deemed feasible, specific factual
22 analysis shall be provided to support the conclusion; and

23 7. A description of any proposed recycling, materials recovery, or energy
24 recovery plan or facility;

25 (h) A five (5) year schedule and description of activities to be undertaken to
26 implement the proposed plan;

27 (i) A description of short-term costs of the plan including capital and operational

- 1 costs for each element of the plan, and the identification of the means of
2 financing plan implementation;
- 3 (j) Designation of the governing body for implementation of the solid waste
4 management plan or components of the plan. A description of its
5 responsibilities and authority shall be provided;
- 6 (k) A description of proposed surveillance and enforcement procedures to assure
7 that solid waste in the planning area is properly managed. Identification of
8 modifications to local laws and regulations necessary to implement the area
9 plan;
- 10 (l) Specific provisions to assure that adequate capacity for a ten (10) year period
11 shall be available for municipal solid waste generated in the solid waste
12 management area,~~and~~ identification of any additional capacity authorized
13 for disposal of out-of-area municipal solid waste, and identification of any
14 capacity authorized by the owner or operator of a residual waste site or
15 facility located in the waste management area, including any residual
16 wastes that are generated in a county or state other than the location of the
17 residual waste site or facility and the waste management area;
- 18 (m) Contractual agreements for use of waste disposal capacity at any municipal
19 solid waste disposal facility inside or outside the waste management area
20 identified and relied upon in the plan;
- 21 (n) Provisions to assure achievement of the policies and goals of KRS 224.43-
22 010;
- 23 (o) Establishment of a public information and participation process including the
24 following components:
- 25 1. Formation of an advisory committee composed of local residents;
26 business and industry representatives; and, with respect to collection of
27 solid waste, representatives of any city that is located within the solid

1 waste management area, is not a designated city as defined in KRS
2 224.43-315(9), and is not located within a county containing a
3 consolidated local government;

- 4 2. Preparation of a draft plan for public notice and comment;
- 5 3. Convening of a public hearing upon request; and
- 6 4. Publication of a response to public comments.

7 (2) A solid waste management plan complying with subsection (1) of this section shall
8 be submitted to the cabinet by October 1, 2002, and updated every five (5) years
9 thereafter. The cabinet shall make its determination approving or disapproving a
10 plan within one hundred twenty (120) days of receipt. A plan on which the cabinet
11 has not yet made a determination shall remain in effect until the determination is
12 made.