

CHAPTER 86

(SB 29)

AN ACT relating to solid waste management facilities and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any provision of law to the contrary, except as provided in subsection (2) of this section, a solid waste management facility that is collecting, storing, transporting, transferring, processing, treating, or disposing of solid waste that was generated outside of the county or waste management district where the solid waste management facility is located shall not be subject to any assessment, fee, permitting requirement, or other authorization requirement imposed by the county or waste management district where the solid waste was generated.*
- (2) *Subsection (1) of this section shall not apply to consideration or fees mutually agreed to in a franchise agreement specifically authorized by a county ordinance between a service provider and a county or waste management district for provision of solid waste collection, storage, transportation, transfer, processing, treatment, or disposal services.*

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

- (1) No permit to construct or expand a municipal solid waste disposal facility shall be accepted for processing by the cabinet unless the application contains a determination from the governing body for the solid waste management area in which the facility is or will be located concerning the consistency of the application with the area solid waste management plan submitted under KRS 224.43-345(1)(a) to (d) and (l) until January 1, 1993, and the entire plan after January 1, 1993. The governing body for the area shall, within sixty (60) days of receipt of a written request, make the determination after public notice and opportunity for public comment and public hearing. For applications with a notice of intent filed prior to February 26, 1991, the cabinet shall continue to process the application but no permit shall be approved until the governing body for the solid waste management area in which the facility is or will be located has made a determination in accordance with this section.
- (2) No permit to construct or expand a municipal solid waste disposal facility shall be approved unless the applicant affirmatively demonstrates and the cabinet makes a written finding in the preliminary determination made pursuant to KRS 224.40-310(2) that the application conforms to and is consistent with all of the following:
 - (a) The capacity needs identified in the area solid waste management plan;
 - (b) Other elements of the area solid waste management plan, for permit applications filed after approval of those elements;
 - (c) The statewide solid waste reduction and management plan, for permit applications filed after completion of the plan; and
 - (d) Applicable zoning regulations adopted pursuant to KRS Chapter 100.
- (3) If the cabinet approves a permit to construct or expand a municipal solid waste management facility after the governing body for the area has determined the application to be inconsistent with the area solid waste management plan, as part of the written finding the cabinet shall state in detail the reasons why it did not accept the determination of the governing body for the area.
- (4) (a) For the purposes of this section, the term municipal solid waste disposal facility includes, in addition to those facilities defined in KRS 224.1-010(14), any residual or contained landfill or incinerator disposing of industrial solid waste ~~for a fee~~, but does not include a waste site or facility *that is owned and*~~which is operated exclusively~~ by a solid waste generator *and*:
 1. *Exclusively accepts industrial solid waste generated from industrial activities of that generator that occur on the same, contiguous, or adjacent property, including where divided by a roadway, as well as any additional industrial solid waste received from a corporate affiliate or generated at another facility owned by the generator; or*

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2. *Is an existing permitted waste site or facility located on property owned by the solid waste generator that:*
 - a. *Is not located in the same county as the solid waste generator; and*
 - b. *Accepts only*~~*on property owned by the solid waste generator which accepts only*~~ *industrial solid waste from the solid waste generator* ~~*or industrial solid waste generated at another facility owned and operated by the generator or wholly owned subsidiary.*~~
- (b) *Paragraph (a)2. of this subsection shall include permit modifications granting vertical or horizontal expansions of that permitted waste site or facility on that property, including all contiguous or abutting tracts owned by that solid waste generator prior to January 1, 2026.*

➔Section 3. Whereas it is critical that changes to allowable fees and definitions applicable to solid waste management facilities go into effect as soon as possible to give clarity to both local governments and regulated entities, 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 10, 2026.