

AN ACT relating to solid waste.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 43 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

*(1) No person shall transport municipal solid waste over any public road, highway, river, or rail except in a manner and by a conveyance that prevents the creation of a nuisance or the loss, discharge, or emission of the waste on public or private property or in the waters of the Commonwealth. All municipal solid wastes shall be in leak-proof containers or in leak-proof chambers, or the municipal solid wastes shall be covered and treated in such a manner that the wastes cannot leak or emit odor or airborne particulate. Wastes shall not be maintained in a way that allows access to the wastes by rodents, flies, or insects.*

*(2) No municipal solid waste disposal facility or transfer facility shall receive a shipment of waste unless that waste is transported in accordance with subsection (1) of this section.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 43 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

*(1) The cabinet shall study and develop a plan for controlling hydrogen sulfides that contribute to nuisance odor and emissions from landfills. The plan shall include reviewing existing landfills and the complaints for that landfill associated with nuisance odor.*

*(2) The plan shall review existing waste contracts that have agreed to take wastes containing hydrogen sulfides to determine future incidence to the landfill, the source of the wastes by state and the method of conveyance of those wastes. The cabinet shall prescribe methods for those landfills accepting hydrogen sulfide wastes to control nuisance odors including reviewing whether the method of conveying those wastes is in accordance with Section 1 of this Act.*

**(3) The goal of the plan shall be to prescribe limits or methods to abate and control emissions from hydrogen sulfide wastes for existing and future landfills. The cabinet shall issue a report or update as needed which may be included in the annual solid waste report to the Legislative Research Commission and to the Governor.**

→Section 3. KRS 224.10-105 is amended to read as follows:

In addition to its other powers, the cabinet shall have the following powers:

- (1) In cooperation with waste management districts, area development districts, or counties, to determine what entities are required to submit a solid waste management plan;
- (2) To review, approve, disapprove, develop upon failure to receive, and require amendment of solid waste management plans. A plan shall be approved if it meets requirements specified by KRS Chapters 109 and 224, and administrative regulations adopted by the cabinet, and if it is consistent with the statewide solid waste reduction and management plan;
- (3) To issue, continue in effect, revoke, modify, suspend, deny, **revoke and order to abate**, or condition permits for municipal solid waste management facilities as necessary to:
  - (a) Implement any provisions of KRS Chapter 224, **and** administrative regulations adopted by the cabinet;~~;~~
  - (b) **Implement** the area solid waste management plan; ~~or~~ the statewide solid waste reduction and management plan, or applicable zoning regulations adopted pursuant to KRS Chapter 100, or pending approval of the plans, to meet solid waste disposal capacity needs of the area **in accordance with paragraph (c) of this subsection**; and
  - (c) **Assure environmentally safe, nuisance-free and odor-free** ~~To assure~~ disposal **and disposal** capacity for solid waste generated in Kentucky;

- (4) To limit the amount, by weight, ~~or~~ volume, **or type** of waste that may be accepted for disposal by municipal solid waste facilities in the Commonwealth, consistent with the requirements of KRS Chapter 224 and administrative regulations adopted by the cabinet, to **control odor and airborne emissions from wastes containing hydrogen sulfide, to** implement provisions of the statewide solid waste reduction and management plan, or the area solid waste management plan, or as otherwise necessary to assure capacity for disposal of waste generated in the Commonwealth or to protect the environment and the health and welfare of the citizens of the Commonwealth. **Additionally, the cabinet may modify, suspend or revoke a permit, and order a facility immediately to abate a condition if the facility has three (3) or more unresolved violations or if the cabinet deems a situation exists that endangers public health, safety and the environment. The cabinet, when making a determination, also may** take into account such factors as:
- (a) Operation of the facility in accordance with the most stringent standards adopted in administrative regulations pursuant to KRS Chapter 224;
  - (b) The nature of any groundwater, **air quality, including odors,** or surface water problems associated with operation of the facility;
  - (c) The need for the facility to serve the solid waste management needs of the area in which the facility is located;
  - (d) The nature of any existing contracts for disposal held by the facility; and
  - (e) The compliance history of the facility;
- (5) To take any actions consistent with KRS Chapter 224, administrative regulations adopted by the cabinet, the statewide solid waste reduction and management plan, and the area solid waste management plan as reasonably necessary to assure that there is sufficient capacity for disposal of waste generated in the Commonwealth and the solid waste management area, and to protect the environment and the health and welfare of the citizens of the Commonwealth; and

- (6) To disapprove a grant or loan for a municipal solid waste management facility which is not consistent with the statewide waste reduction and management plan or the area solid waste management plan.

➔Section 4. KRS 224.43-335 is amended to read as follows:

- (1) In order to assist in solid waste planning and management, to further the goals of waste reduction and recycling, and to assist in identification of parties in the event of environmental problems arising from the transport or disposal of the waste, the cabinet shall adopt administrative regulations creating a manifest system which shall require that each shipment of waste received at a municipal solid waste disposal facility or transfer facility be accompanied by written documentation in a form determined by the cabinet.

- (2) The manifest shall:

(a) Identify the geographic source or sources of the waste, by county, city, and state;

(b) Contain a description of the types of waste contained in the shipment and shall delineate and further describe any wastes containing hydrogen sulfides such as gypsum board; and

(c) List the names and addresses of each transporter of the waste~~;~~ and list the names and addresses of each solid waste management facility which handled the waste~~;~~ and each broker who arranged or contracted for the transportation or disposal of the waste.

- (3) Each municipal solid waste disposal facility shall indicate on the manifest the amount of waste~~;~~ by weight~~;~~ received from each transporter, and each transfer facility shall indicate on the manifest:

(a) The amount of waste~~;~~ by weight~~;~~ received from each transporter; and

(b) The amount of waste shipped from the facility for handling or disposal in Kentucky.

- (4)** The manifest shall provide a certification by each person named in the manifest that while the waste was in his custody or control no waste regulated by the cabinet as hazardous waste or infectious waste was knowingly introduced into the waste. A copy of each manifest shall be maintained at the municipal solid waste disposal facility and **at** any transfer facility handling the waste. **The manifest**~~, and~~ shall be open to inspection by representatives of the cabinet, shall be transmitted to the cabinet on a quarterly basis, and shall be considered nonexempt records available for public inspection.
- (5)** Ninety (90) days after the effective date of the initial administrative regulations adopted by the cabinet to effectuate this section, no municipal solid waste disposal facility or transfer facility shall accept waste unless:
- (a)** **The municipal solid waste**~~it~~ is accompanied by a manifest; **and**
- (b)** **Any transported municipal solid waste is delivered in accordance with Section 1 of this Act.**