

1 AN ACT relating to solid waste facilities.

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

3 ➔Section 1. KRS 224.40-315 is amended to read as follows:

4 (1) No permit to construct or expand a municipal solid waste disposal facility shall be
5 accepted for processing by the cabinet unless the application contains a
6 determination from the governing body for the solid waste management area in
7 which the facility is or will be located concerning the consistency of the application
8 with the area solid waste management plan submitted under KRS 224.43-345(1)(a)
9 to (d) and (l) until January 1, 1993, and the entire plan after January 1, 1993. The
10 governing body for the area shall, within sixty (60) days of receipt of a written
11 request, make the determination after public notice and opportunity for public
12 comment and public hearing. For applications with a notice of intent filed prior to
13 February 26, 1991, the cabinet shall continue to process the application but no
14 permit shall be approved until the governing body for the solid waste management
15 area in which the facility is or will be located has made a determination in
16 accordance with this section.

17 (2) No permit to construct or expand a municipal solid waste disposal facility shall be
18 approved unless the applicant affirmatively demonstrates and the cabinet makes a
19 written finding in the preliminary determination made pursuant to KRS 224.40-
20 310(2) that the application conforms to and is consistent with all of the following:

- 21 (a) The capacity needs identified in the area solid waste management plan;
- 22 (b) Other elements of the area solid waste management plan, for permit
23 applications filed after approval of those elements;
- 24 (c) The statewide solid waste reduction and management plan, for permit
25 applications filed after completion of the plan; and
- 26 (d) Applicable zoning regulations adopted pursuant to KRS Chapter 100.

27 (3) If the cabinet approves a permit to construct or expand a municipal solid waste

1 management facility after the governing body for the area has determined the
2 application to be inconsistent with the area solid waste management plan, as part of
3 the written finding the cabinet shall state in detail the reasons why it did not accept
4 the determination of the governing body for the area.

5 (4) For the purposes of this section, the term municipal solid waste disposal facility
6 includes, in addition to those facilities defined in KRS 224.1-010(14), any residual
7 or contained landfill, or incinerator disposing of industrial solid waste for a fee, but
8 does not include a waste site or facility which is operated exclusively by a solid
9 waste generator on property owned by the solid waste generator *located in the same*
10 *county as the solid waste generator and* which accepts only industrial solid waste
11 from the solid waste generator or industrial solid waste generated at another facility
12 owned and operated by the generator or wholly-owned subsidiary.