

1 AN ACT relating to solid waste management facilities.

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

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

5 *(1) Notwithstanding any provision of law to the contrary, except as provided in*
6 *subsection (2) of this section, a solid waste management facility that is collecting,*
7 *storing, transporting, transferring, processing, treating, or disposing of solid*
8 *waste that was generated outside of the county or waste management district*
9 *where the solid waste management facility is located shall not be subject to any*
10 *assessment, fee, permitting requirement, or other authorization requirement*
11 *imposed by the county or waste management district where the solid waste was*
12 *generated.*

13 *(2) Subsection (1) of this section shall not apply to consideration or fees mutually*
14 *agreed to in a franchise agreement specifically authorized by a county ordinance*
15 *between a service provider and a county or waste management district for*
16 *provision of solid waste collection, storage, transportation, transfer, processing,*
17 *treatment, or disposal services.*

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

19 (1) No permit to construct or expand a municipal solid waste disposal facility shall be
20 accepted for processing by the cabinet unless the application contains a
21 determination from the governing body for the solid waste management area in
22 which the facility is or will be located concerning the consistency of the application
23 with the area solid waste management plan submitted under KRS 224.43-345(1)(a)
24 to (d) and (l) until January 1, 1993, and the entire plan after January 1, 1993. The
25 governing body for the area shall, within sixty (60) days of receipt of a written
26 request, make the determination after public notice and opportunity for public
27 comment and public hearing. For applications with a notice of intent filed prior to

1 February 26, 1991, the cabinet shall continue to process the application but no
2 permit shall be approved until the governing body for the solid waste management
3 area in which the facility is or will be located has made a determination in
4 accordance with this section.

5 (2) No permit to construct or expand a municipal solid waste disposal facility shall be
6 approved unless the applicant affirmatively demonstrates and the cabinet makes a
7 written finding in the preliminary determination made pursuant to KRS 224.40-
8 310(2) that the application conforms to and is consistent with all of the following:

- 9 (a) The capacity needs identified in the area solid waste management plan;
10 (b) Other elements of the area solid waste management plan, for permit
11 applications filed after approval of those elements;
12 (c) The statewide solid waste reduction and management plan, for permit
13 applications filed after completion of the plan; and
14 (d) Applicable zoning regulations adopted pursuant to KRS Chapter 100.

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

20 (4) For the purposes of this section, the term municipal solid waste disposal facility
21 includes, in addition to those facilities defined in KRS 224.1-010(14), any residual
22 or contained landfill or incinerator disposing of industrial solid waste~~[for a fee]~~, but
23 does not include a waste site or facility ***that is owned and***~~[which is]~~ operated~~[~~
24 ~~exclusively]~~ by a solid waste generator ***and:***

25 ***(a) Exclusively accepts industrial solid waste generated from industrial***
26 ***activities of that generator that occur on the same, continuous, or adjacent***
27 ***property, including where divided by a roadway, as well as any additional***

1 industrial solid waste received from a corporate affiliate or generated at
2 another facility owned by the generator; or
3 (b) Is permitted by the cabinet prior to the effective date of this Act, including
4 any expansion of that permitted waste site on the same, continuous, or
5 adjacent property for which an application is pending as of the effective
6 date of this Act, and is located on property owned by the solid waste
7 generator which accepts only industrial solid waste from the solid waste
8 generator or industrial solid waste generated at another facility, including
9 industrial solid waste not generated on the same, continuous, or adjacent
10 property owned and operated by the generator or wholly-owned subsidiary.