## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

## **Part I: Measure Information**

Bill Request #: 118				
Bill #: SB 16				
<b>Document ID #:</b> <u>554</u>				
Bill Subject/Title: An ACT relating to solid waste.				
Sponsor: Senator C.B. Embry, Jr.				
Unit of Government:       X       City       X       County         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M         M       M       M       M       M       M         M       M       M       M       M       M         M       M       M       M       M       M         M       M       M       M       M       M         M       M       M <t< td=""></t<>				
X Charter County X Consolidated Local X Government				
Office(s) Impacted: Local Governments				
Requirement: X Mandatory Optional				
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing				

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

This legislation amends KRS 224.40-310 to clarify that a residual landfill, a solid waste incinerator, a waste-to-energy facility, a hazardous waste incinerator and a landfill are considered a "waste disposal facility".

The legislation also removes an exception allowing facilities to expand or construct on-site hazardous waste incinerators without having to obtain approval from the local governing body. This includes waste generated by another facility owned that is owned and operated by that generator or wholly owned subsidiary.

In accordance with existing law for approving or denying waste disposal facilities, the governing body of the location for the proposed hazardous waste incinerator shall provide public notice and conduct a public hearing on the construction or expansion of the hazardous waste incineration facility. Within the appropriate timeframes of subsections (5) and (6) of KRS 224.40-310 and the publication of the application, the fiscal court, urban-county government, or governing body of an incorporated municipality governing

the location of the proposed facility must vote to approve or deny the facility and provide written notification to the cabinet of the decision within 10 days.

Additionally, this bill amends KRS 224.40-315 removing an exception for a waste site or facility which is operated exclusively by a solid waste generator on property they own which accepts only their industrial solid waste or industrial solid waste generated at another facility owned and operated by them or a wholly owned subsidiary from being a considered a municipal solid waste disposal facility.

The fiscal impact of this legislation is not determinable but is expected to be minimal. With the elimination of exceptions for local jurisdiction approval, some jurisdictions will experience an increase in the number projects seeking approval. While the cost to local government on these applications will be minimal, there will be staff time and administrative costs associated with each request for approval.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced.

**Data Source(s):** <u>LRC Staff</u>

Preparer: Mark Offerman Re	eviewer: KHC	Date:	1/10/20
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