

224.10-105 Additional powers of cabinet as to solid waste management.

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, or condition permits for municipal solid waste management facilities as necessary to implement any provisions of KRS Chapter 224, administrative regulations adopted by the cabinet, 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 and to assure disposal capacity for solid waste generated in Kentucky;
- (4) To limit the amount, by weight or volume, 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 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. The cabinet 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 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.

Effective: February 26, 1991

History: Created 1991 (1st Extra. Sess) Ky. Acts ch. 12, sec. 14, effective February 26, 1991.

Formerly codified as KRS 224.0335.