**224.43-340 Regulations -- Solid waste management plan -- Designation of solid waste management areas -- Enforcement representatives.**

(1) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 224 for the reduction and management of solid waste, consistent with the statewide solid waste reduction and management plan, the goals established by KRS 224.43-010, and the provisions of KRS Chapter 109.

(2) Waste management districts, counties, or any combination thereof, shall confer and determine which shall submit to the cabinet a solid waste management plan. The plan shall address municipal solid waste management needs for the area. Each county shall be responsible for implementing the plan, except that any city of the first or second class having sole responsibility for developing the portion of the area plan applicable to its jurisdiction shall be responsible for implementing the portion of the plan prepared by the city. However, if a county participates in a regional solid waste management area, then the governing body of the solid waste management area shall be responsible for implementing those components of the plan it is assuming on behalf of the county. However, the cabinet shall not disapprove a solid waste management plan for a single county if the plan complies with the requirements of KRS Chapter 224 and administrative regulations adopted by the cabinet. Plans shall be updated once every five (5) years. Plans may be amended and such amendments shall be submitted to the cabinet for review and approval. The review and approval of the cabinet shall be limited to a determination of whether the proposed amendments are in conformity with KRS 224.43-345 and the statewide solid waste reduction and management plan and KRS Chapter 224 and administrative regulations adopted by the cabinet.

(3) A county may delegate responsibility for preparing all or portions of the plan to one (1) or more cities within the county. Such delegation of responsibility shall be made only with the mutual agreement of the city and county. Each city and county shall be included in a solid waste management plan.

(4) Any city of the first or second class shall have the sole responsibility for developing and preparing the portion of the solid waste management plan applicable to the jurisdiction of the city, unless the city elects to have the county prepare the plan. If the city prepares the solid waste management plan for its jurisdiction, the city plan shall be incorporated within the area plan prior to its submission to the cabinet. The plan developed by the city, to the extent practicable, shall be reasonably consistent with the plan developed by the county. The cabinet, as a part of the area plan approval process, shall determine whether the city portion of the area plan is reasonably consistent with the overall area plan so as to effectuate the purposes of this chapter.

(5) Cities, other than of the first or second class, operating solid waste management facilities or services, or who contracted with a person to provide such services on or before July 13, 1984, and pay a pro rata share of the cost of plan development may assume joint responsibility with a county for plan development. Where joint responsibility for plan development is assumed, both the county fiscal court and city legislative body must adopt the plan before it is submitted to the cabinet for approval.

(6) Counties, waste management districts, or any combination thereof preparing

the solid waste management plan shall apply for and be designated as a solid waste management area. The application shall be submitted by June 1, 1991. The application shall include but not be limited to:

(a) A brief description of existing disposal capacity and of the capability of the proposed area to effectively manage solid waste;

(b) Resolution of the fiscal courts of all counties in the proposed area approving the application for designation;

(c) Resolution of those city legislative bodies in the proposed area that are currently operating solid waste management facilities or services and will participate in and provide financial assistance in plan development;

(d) Any agreement or contract necessary to establish the proposed area; and

(e) Resolution of the boards of any existing waste management districts located within the proposed area approving the application for designation.

(7) The jurisdiction of the solid waste management area shall be limited to the geographical area established or designated by the cabinet in accordance with the provisions of this chapter unless the preparer submits justification for any deviation therefrom acceptable to the cabinet.

(8) Upon receipt of such application, the cabinet shall, within thirty (30) days either approve the creation of a proposed solid waste management area or shall disapprove such application, and in the event of disapproval shall state in writing the reasons for such disapproval. Any changes in the application contents shall be submitted to the cabinet.

(9) Solid waste management areas shall be designated for five (5) year periods. At the end of five (5) years, the plan shall be updated and reapproved by the cabinet.

(10) If the cabinet does not receive on behalf of a county a solid waste management plan and the application for a solid waste management area in which the county will participate required by this section and KRS 224.43-345, the cabinet may develop a solid waste management plan for that county or may place that county in a designated solid waste management area.

(11) If the solid waste management plan for a county is not implemented, the Commonwealth shall not endorse projects that generate solid waste under the Kentucky intergovernmental review process for that county.

(12) The governing body of a solid waste management area may employ an enforcement representative to ensure compliance with applicable regulations of the cabinet relating to construction and operation of municipal solid waste management facilities. The enforcement representative shall possess at least minimum qualifications required of representatives of the cabinet performing similar functions.

**Effective:** February 26, 1991

**History:** Amended 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 5, effective February 26, 1991. -- Amended 1984 Ky. Acts ch. 398, sec. 4, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 74, sec. 23, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 279, sec. 1, effective July 15, 1980. -- Created 1978 Ky. Acts ch. 115, sec. 4, effective June 17, 1978.

**Formerly codified as** KRS 224.887, and also previously codified as KRS 109.022.