

224.43-345 Contents of area solid waste management plan -- Approval by cabinet.

- (1) Each area solid waste management plan shall be prepared in accordance with any administrative regulations of the cabinet and shall be required to include the following:
 - (a) Identification of the area that will be included in the plan;
 - (b) A demographic study of the planning area of current and projected populations five (5), ten (10) and twenty (20) years in the future. A projection of the amount and source of solid waste generated, collected, and requiring disposal at municipal solid waste disposal facilities for each of these time periods shall be provided;
 - (c) An inventory and description of all existing solid waste management facilities and activities. The description shall include their identity, location, life expectancies, ownership, cost to the users, and level of compliance with state and federal laws. The description is not required to include any solid waste management facility which is operated exclusively by a solid waste generator on property owned by the solid waste generator for the purpose of accepting solid waste from the solid waste generator or waste generated at another facility owned and operated by the generator or wholly owned subsidiary. After commencement of operation by a solid waste generator of a solid waste disposal facility which is permitted but not included in a solid waste management plan, an amendment to a solid waste management plan shall be required for any solid waste which is to be no longer disposed by the solid waste generator in its own solid waste disposal facility;
 - (d) An estimate of the area's long-range needs for solid waste management and facilities for five (5), ten (10), and twenty (20) years into the future;
 - (e) Identification and assessment of current and future solid waste management problems faced by the area. List any deficiencies with existing solid waste management facilities in meeting current and future area needs, and identify opportunities for improvement;
 - (f) Outline short-term, mid-term, and long-term goals and objectives of the solid waste management area. The goals and objectives shall be consistent with the policies and goals set out in KRS 224.43-010;
 - (g) Based on the problems, needs, goals, and objectives previously identified, identify alternative approaches to solid waste management and select the optimal alternatives. Solid waste management activities and facilities to be addressed include:
 1. Identification of those regulations and ordinances which provide for proper, safe, and sanitary management of solid waste;
 2. A description of proposed improvements to existing solid waste collection and transportation systems necessary to achieve universal collection;
 3. Establishment of a siting procedure and development program to assure the orderly location, development, and financing of new or expanded

municipal solid waste management facilities. The plan shall demonstrate how all persons in the planning area will within the near future have reasonable opportunity to dispose of their waste in a manner that complies with state and federal laws;

4. Identification of planned programs for the control and cleanup of litter and open dumps. The programs shall include: identification of an approved schedule for the cleanup of open dumps in existence as of October 1, 2002; an annual survey of the planning area to discover new open dumps which shall then be scheduled for cleanup within one (1) year unless the cabinet approves a longer schedule; measures to prevent the recurrence of dumping at sites which are cleaned up; cleanup of litter along public roads three (3) times per year; and cleanup of litter along city streets two (2) times per year. In these public road cleanups and also open dump cleanups, nonviolent misdemeanor and Class D felon inmate laborers may be used. A county that does not receive in any year an allocation from the Kentucky pride fund sufficient to complete the number of road cleanups provided for in this section shall not be deemed out of compliance;
 5. An assessment of opportunities to reduce the need for land disposal by banning grass clippings, leaves, and other yard wastes from municipal solid waste disposal facilities and the institution of composting operations for grass clippings, leaves, and other yard wastes;
 6. Establishment of a plan to reduce the need for land disposal through waste reduction and recycling, materials recovery, and energy recovery and the provision of opportunities for recycling that may include, but are not limited to, drop-off centers or door-to-door collection. Where recycling or material recovery is not deemed feasible, specific factual analysis shall be provided to support the conclusion; and
 7. A description of any proposed recycling, materials recovery, or energy recovery plan or facility;
- (h) A five (5) year schedule and description of activities to be undertaken to implement the proposed plan;
 - (i) A description of short-term costs of the plan including capital and operational costs for each element of the plan, and the identification of the means of financing plan implementation;
 - (j) Designation of the governing body for implementation of the solid waste management plan or components of the plan. A description of its responsibilities and authority shall be provided;
 - (k) A description of proposed surveillance and enforcement procedures to assure that solid waste in the planning area is properly managed. Identification of modifications to local laws and regulations necessary to implement the area plan;
 - (l) Specific provisions to assure that adequate capacity for a ten (10) year period

shall be available for municipal solid waste generated in the solid waste management area, and identification of any additional capacity authorized for disposal of out-of-area municipal solid waste;

- (m) Contractual agreements for use of waste disposal capacity at any municipal solid waste disposal facility inside or outside the waste management area identified and relied upon in the plan;
 - (n) Provisions to assure achievement of the policies and goals of KRS 224.43-010;
 - (o) Establishment of a public information and participation process including the following components;
 - 1. Formation of an advisory committee comprised of local residents, and business and industry representatives;
 - 2. Preparation of a draft plan for public notice and comment;
 - 3. Convening of a public hearing upon request; and
 - 4. Publication of a response to public comments.
- (2) A solid waste management plan complying with subsection (1) of this section shall be submitted to the cabinet by October 1, 2002, and updated every five (5) years thereafter. The cabinet shall make its determination approving or disapproving a plan within one hundred twenty (120) days of receipt. A plan on which the cabinet has not yet made a determination shall remain in effect until the determination is made.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 342, sec. 6, effective July 15, 2002. -- Amended 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 6, effective February 26, 1991. -- Amended 1984 Ky. Acts ch. 398, sec. 5, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 74, sec. 24, effective July 15, 1982. -- Created 1978 Ky. Acts ch. 115, sec. 5, effective June 17, 1978.

Formerly codified as KRS 224.888, and also previously codified as KRS 109.031.