

**224.43-310 Cabinet designated solid waste official planning and management agency -- Statewide solid waste reduction and management plan -- Annual reports.**

- (1) The Energy and Environment Cabinet of the Commonwealth of Kentucky is designated as the official planning and management agency of the Commonwealth of Kentucky in the field of solid waste. The cabinet shall have primary responsibility for coordinating the solid waste planning and management activities of waste management districts, counties, cities, area development districts, and any combination thereof and for the approval of solid waste management facilities. In doing so it shall be the goal of the cabinet to reduce the amount of solid waste disposed in municipal solid waste disposal facilities within the Commonwealth and to encourage regional management of solid waste.
- (2) The cabinet shall have the primary responsibility to develop, review, report on, and triennially update a statewide solid waste reduction and management plan. A draft plan shall be prepared and made available for public inspection by December 1, 1991; a proposed final plan shall be submitted to the General Assembly by February 1, 1992; and a final plan shall be submitted to the General Assembly by March 1, 1992. The plan shall be designed to address the following:
  - (a) Coordination of area plans and provision of support for area planning efforts;
  - (b) Elimination of existing open dumps and prevention of new open dumps;
  - (c) Proper closure, characterization, and corrective action for municipal solid waste disposal facilities that ceased accepting waste before July 1, 1992;
  - (d) Reductions in solid waste disposed in municipal solid waste disposal facilities within the Commonwealth by actively promoting reuse and reduction consistent with the policies and goals established by KRS 224.43-010;
  - (e) Adequate capacity exists for recycling or disposal of solid waste generated within the Commonwealth for five (5), ten (10), and twenty (20) year planning periods;
  - (f) Maintenance of disposal capacity for solid waste generated in the Commonwealth if the cabinet acts to close a solid waste management facility;
  - (g) Encouragement of regional alternatives for waste reduction and management in the planning process;
  - (h) Priority in grants and loans for projects and practices consistent with the policies and goals established by KRS 224.43-010;
  - (i) Minimum standards and procedures for solid waste management plans as established by the cabinet in administrative regulations;
  - (j) A description of the status of solid waste reduction and management efforts in Kentucky;
  - (k) Identification of state actions and responsibilities necessary to implement this chapter; and
  - (l) Identification of problems impeding the attainment of the policies and goals of this chapter.

- (3) The statewide solid waste reduction and management plan shall not establish maximum disposal capacity limitations for the Commonwealth.
- (4) The cabinet, beginning July 1, 1992, shall report annually to the Governor and to the General Assembly on the status of solid waste management in the Commonwealth. The report filed July 1, 1992, shall present the current status of solid waste planning and management in the Commonwealth. Subsequent annual reports shall include but not be limited to:
  - (a) The status of solid waste planning and management;
  - (b) The number and types of recycling and solid waste management facilities in the Commonwealth;
  - (c) The status of actions taken to:
    1. Eliminate existing open dumps and prevent new open dumps; and
    2. Undertake proper closure, characterization, and corrective action for municipal solid waste disposal facilities that ceased accepting waste before July 1, 1992;
  - (d) The remaining permitted capacity of each permitted solid waste management facility;
  - (e) The number and types of solid waste grants or loans made to cities, counties, waste management districts, and area development districts;
  - (f) A compilation and analysis of solid waste reduction and management data provided to the cabinet;
  - (g) A statement of progress achieved in meeting the policies and goals established by KRS 224.43-010;
  - (h) A statement of progress achieved in solid waste management education;
  - (i) A statement of progress achieved in establishing regional solid waste management approaches;
  - (j) Any revisions in the statewide solid waste reduction and management plan; and
  - (k) Recommendations for improving the reduction and management of solid waste in the Commonwealth.
- (5) On March 1 of each year, each governing body shall report annually to the cabinet on the status of solid waste management in its area. The annual report shall include but not be limited to:
  - (a) The amount of in-area and out-of-area municipal solid waste disposed in municipal solid waste disposal facilities in the area;
  - (b) The total cumulative progress made toward meeting the policies and goals established by KRS 224.43-010;
  - (c) The remaining permitted capacity of disposal facilities;
  - (d) Recycling and composting activities in existence;
  - (e) Public information and education activities during the reporting period including public campaigns urging participation in a municipal solid waste

collection system and public campaigns promoting anti-litter and anti-dumping behavior with an accounting by the governing body of funds spent, labor expended, volunteer time and money expended, and an estimation of the campaign's effect;

- (f) The number of households within the area served by the governing body and the methods of public or private municipal solid waste collection available to them, the cost to the households using the collection system, the percentage of households using each method of municipal solid waste collection available to them, the cost to the governing body of providing a municipal solid waste collection system, how the cost is paid for by the governing body, and the percentage of the cost that is recovered through service fees, including a complete accounting for collected fees, uncollected fees, and success in recovering uncollected fees;
- (g) Progress made since the last report on cleaning up illegal open dumps, including the number of open dumps eliminated since the last report or the last solid waste management plan revision, the total and average cost per open dump elimination, and identification of new open dumps or cleaned up open dumps that have been used again for illegal dumping;
- (h) Fees for solid waste management assessed and collected;
- (i) Costs of any projects undertaken pursuant to the solid waste management plan; and
- (j) Any other pertinent information as may be required by the cabinet.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 369, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 342, sec. 4, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 486, sec. 31, effective July 15, 1994. -- Amended 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 4, effective February 26, 1991. -- Amended 1982 Ky. Acts ch. 74, sec. 22, effective July 15, 1982. -- Created 1978 Ky. Acts ch. 115, sec. 3, effective June 17, 1978.

**Formerly codified as** KRS 224.886, and also previously codified as KRS 109.021.