

224.43-315 Requirement for county universal municipal solid waste collection program -- Options -- Registration and report of persons providing collection services -- Annual report -- Performance contract -- Counties and agreements with designated cities -- Effect of failure to comply -- Exclusion.

- (1) Each county shall provide a universal collection program by October 1, 2003, for all municipal solid waste generated within the county. Collection programs may include one (1) or more of the following options:
 - (a) Door-to-door household collection: Collection service may be provided by the county, by contract, or franchise;
 - (b) Direct haul to staffed convenience centers or staffed transfer facilities within the county: The county may allow residents to haul their waste directly to cabinet-approved staffed convenience centers or staffed transfer facilities within the county. The number of convenience centers and transfer facilities shall be adequate to assure reasonable convenience; and
 - (c) Other alternatives proposed by counties: Counties may propose other alternatives including subscription service and unstaffed convenience centers, and the cabinet shall approve same as long as the county can demonstrate that all of its citizens are being given access to the solid waste collection system which is proposed.
- (2) Beginning October 1, 2003, all persons providing collection service, including collection for the purpose of recycling, shall register annually with the counties in which they provide the service.
- (3) Beginning March 1, 2004, all persons providing collection service, including collection for the purpose of recycling, shall report annually to the counties in which they provide the service. The reports shall include:
 - (a) The number of households, businesses, and industries from which municipal solid waste was being collected on October 1 of the previous year;
 - (b) The amount of municipal solid waste collected for disposal during the previous calendar year;
 - (c) The amount of municipal solid waste collected for recycling, by volume, weight, or number of items during the previous calendar year; and
 - (d) The types of items collected for recycling.
- (4) The county shall submit an annual report to the cabinet and to any waste management district of which it is a member detailing its solid waste collection activities in accordance with this section and any requirements established by the cabinet by administrative regulation.
- (5) The county may enter into agreements with any person for the performance of the responsibilities described in this section, including cities within its geographic boundaries, but the county shall be responsible for providing the universal collection program described in this section, except:
 - (a) Any designated city having sole responsibility for developing its portion of the solid waste plan shall be responsible for providing the universal collection

within its jurisdiction; or

- (b) Any city contracting for the collection of its solid waste on February 26, 1991, may continue to contract for the collection of its solid waste if the contract provides for disposal in accordance with the area solid waste management plan.
- (6) Any agreement that the county enters into after June 29, 2017, for the collection of solid waste in a city that is not a designated city as defined in subsection (9) of this section within the solid waste management area shall include both the county and the city.
- (7) If a county or city fails to comply with the provisions of this section, the Commonwealth shall not endorse projects that generate solid waste under the Kentucky intergovernmental review process for the county or city.
- (8) A commercial or industrial entity which transports or contracts for the transport of the municipal solid waste it generates or which operates an industrial solid waste management facility for its exclusive use may be excluded from participation in the universal collection program, if the commercial or industrial entity demonstrates to the county that the solid waste generated is disposed of in accordance with applicable statutes and administrative regulations.
- (9) (a) As used in this section, "designated city" means a city of the first class or a city on the registry maintained by the Department for Local Government under paragraph (b) of this subsection.
(b) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 48, sec. 3, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 92, sec. 280, effective January 1, 2015. -- Amended 2002 Ky. Acts ch. 342, sec. 5, effective July 15, 2002. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 16, effective February 26, 1991.

Formerly codified as KRS 224.837.