

109.012 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Board of directors" or "board" means the governing body of a solid waste management district;
- (2) "City" means an existing city of any class;
- (3) "County" means the governing body of a county, including urban-county governments;
- (4) "Cabinet" means the Energy and Environment Cabinet;
- (5) "Franchise" means a franchise, contract, right, authorization, or privilege granted by a local government for provision of solid waste management services;
- (6) "Local government" means a city, county, urban-county government, charter county government, consolidated local government, or unified local government or a solid waste management district created pursuant to KRS Chapter 109;
- (7) "Long-term contract" means a contract of sufficient duration to assure the viability of a resource recovery facility to the extent that such viability depends upon solid waste supply;
- (8) "Recovered material" means those materials which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis;
- (9) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is managed pursuant to KRS Chapter 224 and administrative regulations adopted by the cabinet;
- (10) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;
- (11) "Service company" means any person or entity duly authorized by an agency of the Commonwealth of Kentucky pursuant to the Kentucky Revised Statutes, or administrative regulations promulgated thereunder, for the provision of solid waste management services;
- (12) "Solid waste" means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-

products, refuse and overburden), agricultural operations, and from community activities, but does not include those materials including but not limited to sand, soil, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered material, post-use polymers or recovered feedstocks as those terms are defined in KRS 224.1-010, special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditions, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

- (a) "Household solid waste" means solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunk houses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks, and camp grounds;
 - (b) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other service and nonmanufacturing activities, excluding household and industrial solid waste;
 - (c) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including but not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment; and
 - (d) "Municipal solid waste" means household solid waste and commercial solid waste;
- (13) "Solid waste management" or "solid waste management services" means the administration of solid waste activities: collection, storage, transportation, transfer, processing, treatment, and disposal, which shall be in accordance with a cabinet approved county or multicounty solid waste management plan of the cabinet. For the purposes of subsection (5) of this section and KRS 109.0417, "solid waste management services" additionally includes collection, storage, transportation, transfer, processing, treatment, and disposal of special wastes, as designated by KRS 224.50-760, and curbside collection of recovered material, but does not include advanced recycling as defined in KRS 224.1-010;
- (14) "Solid waste management area" or "area" means any geographical area established or, designated by the cabinet in accordance with the provisions of KRS Chapter 224;
- (15) "Solid waste management facility" means any facility for collection, storage,

transportation, transfer, processing, treatment, or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility which is subject to regulation pursuant to the chapter for control of environmental impacts and to prevent any public nuisance, or an advanced recycling facility as defined in KRS 224.1-010; and

- (16) "Waste management district" means any county or group of counties electing to form under the provisions of KRS 109.115 and operate in conformance with the provisions of this chapter and with Section 4006 of the Resource Conservation and Recovery Act of 1976, as amended (P.L. 94-580).

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History: Amended 2022 Ky. Acts ch. 67, sec. 2, effective July 14, 2022. -- Amended 2017 Ky. Acts ch. 48, sec. 1, effective June 29, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 90, effective July 15, 2010. -- Amended 1991 (1st Extra. Sess.) Acts ch. 12, sec. 30, effective February 26, 1991. -- Amended 1984 Ky. Acts ch. 111, sec. 61, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 74, sec. 2, effective July 15, 1982. -- Created 1978 Ky. Acts ch. 115, sec. 2, effective June 17, 1978.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 67, sec. 3, provides, "Nothing in this Act shall be construed as creating additional entities, equipment, or processes eligible to receive tax credits pursuant to KRS 141.390."