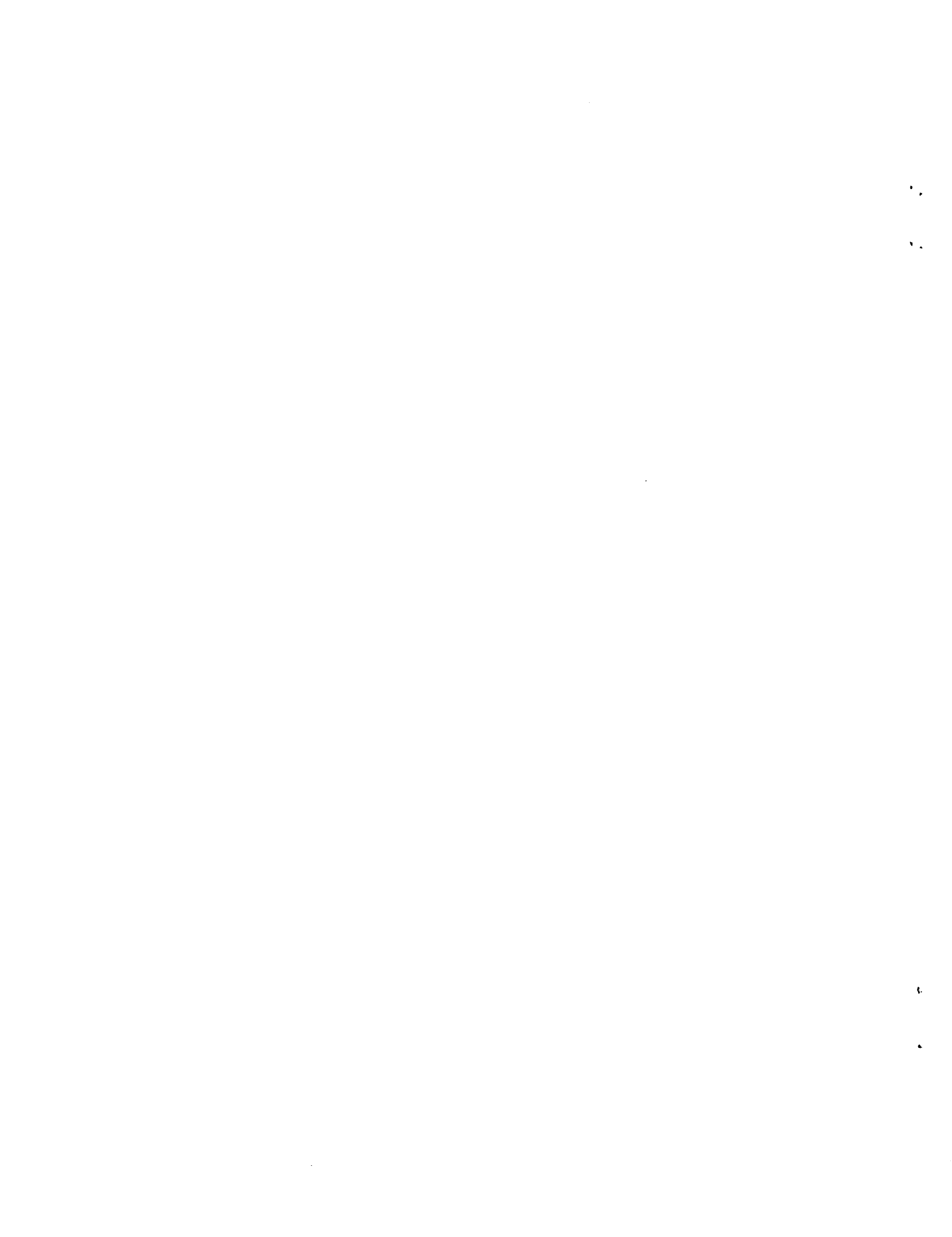


**SOLID WASTE MANAGEMENT  
LEGISLATIVE TASK FORCE REPORT**

**RESEARCH MEMORANDUM NO. 445**

**LEGISLATIVE RESEARCH COMMISSION**

**October, 1991**



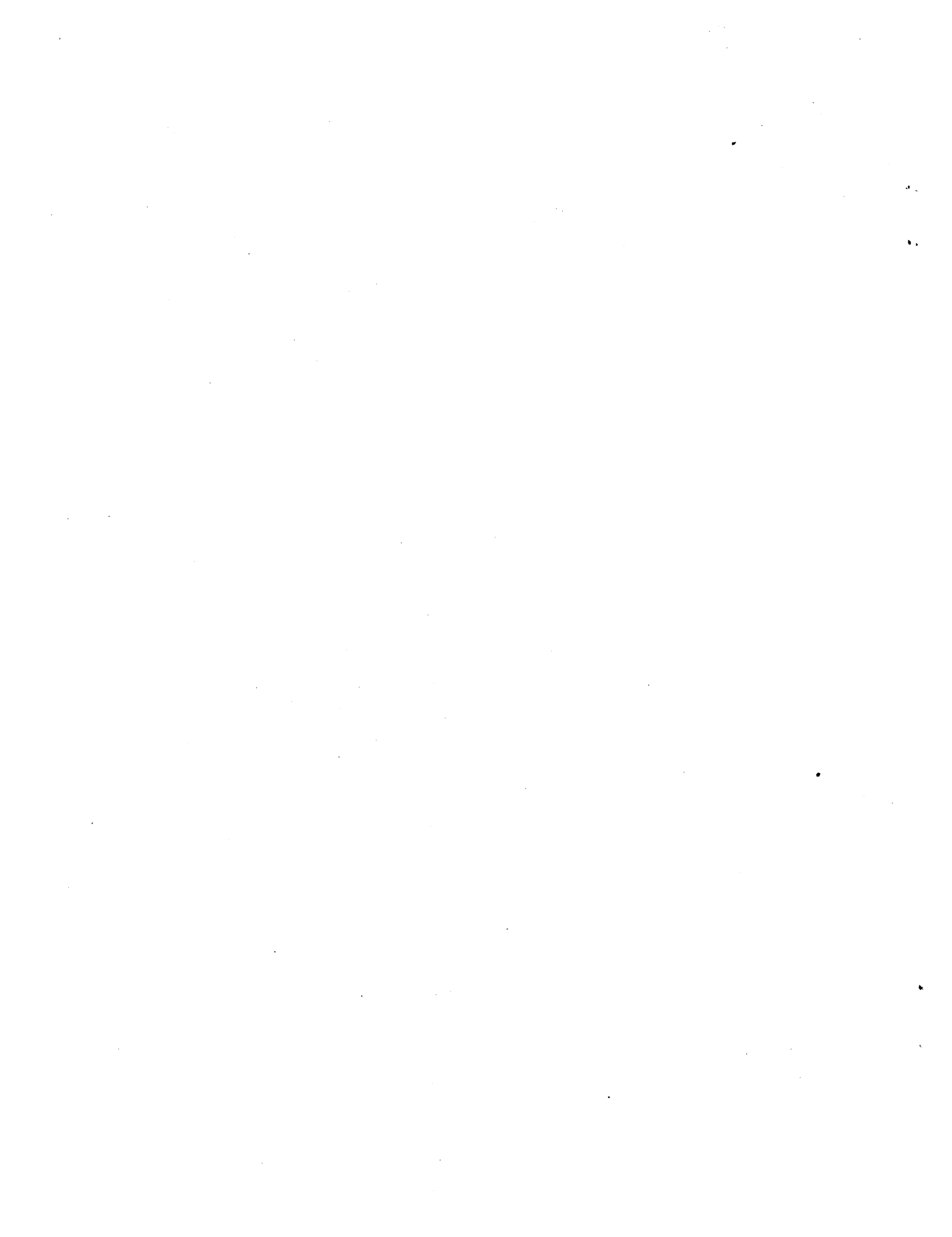
**RESEARCH MEMORANDUM 445**

**SOLID WASTE MANAGEMENT**

**LEGISLATIVE TASK FORCE REPORT**

Prepared by  
**LRC STAFF**  
**Daniel J. Risch**  
**Katherine King**

Legislative Research Commission  
Frankfort, Kentucky  
October, 1991





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**TO:** Senator Eck Rose, Co-Chairman  
Representative Donald Blandford, Co-Chairman  
Legislative Research Commission

**FROM:** Representative Mark Brown *MB*  
Senator Fred Bradley *F.B.*  
Co-Chairpersons  
Solid Waste Management Legislative Task Force

**DATE:** October 23, 1991

**RE:** Report

In conformance with Section 43 of Senate Bill 2 of the 1991 special session of the Kentucky General Assembly, the Solid Waste Management Legislative Task Force submits the attached report.

js/0701w  
Attachment



**REPORT OF THE 1991  
SOLID WASTE MANAGEMENT LEGISLATIVE TASK FORCE**

**Representative Mark Brown, Co-Chair  
Senator Fred Bradley, Co-Chair**

**Rep. Rocky Adkins  
Rep. Adrian Arnold  
Rep. Herbie Deskins, Jr.  
Rep. Don Farley  
Sen. Greg Higdon**

**Sen. Dan Kelly  
Sen. Rick Rand  
Rep. Rex Smith  
Rep. Susan Stokes**

**LRC STAFF: Daniel J. Risch and Katherine King**

**PRESENTED TO THE  
LEGISLATIVE RESEARCH COMMISSION  
AND THE  
1992 REGULAR SESSION OF THE  
KENTUCKY GENERAL ASSEMBLY**

## SOLID WASTE MANAGEMENT LEGISLATIVE TASK FORCE

TASK FORCE JURISDICTION: to monitor the implementation of solid waste legislation enacted by the First Extraordinary Session of the General Assembly, make recommendations to the 1992 General Assembly for enacting revenue measures to fund the clean-up and closure of abandoned solid waste facilities in the Commonwealth, make recommendations to the 1992 General Assembly for enacting legislation concerning minimum bonding requirements for solid waste management facilities, make recommendations to the 1992 General Assembly concerning the economic and technical feasibility of establishing mandatory requirements that all waste disposed of within the Commonwealth be processed through a program for source reduction, recycling, or beneficial reuse before being placed in a landfill for final disposal, make recommendations to the 1992 General Assembly to consider the necessity for establishing a waste generator certification program for generators and transporters, including but not limited to municipalities, businesses, and industries, to indicate that they have implemented a waste reduction and recycling program substantially meeting or exceeding any recommendation for the Commonwealth's waste reduction and recycling goals if they are established by the task force, and make recommendations to the 1992 General Assembly for any additional action regarding solid waste management in the Commonwealth.



## TASK FORCE ACTIVITY

The 1991 Solid Waste Management Legislative Task Force was created by Section 43 of Senate Bill 2 (SB 2) of the 1991 special session of the General Assembly. Senate Bill 2 set out a comprehensive policy for managing solid waste in Kentucky.

The task force was appointed in April of 1991 and began its work on June 25. Because of the short period of time remaining in the interim when the first meeting was held, the task force chose to focus on the implementation of the solid waste management legislation. Five meetings were held.

The primary objective of the task force in this undertaking was to review specific program goals and compliance dates of SB 2 in order to determine if problems arising during implementation could be eliminated or reduced by adjustments in the law. Consequently, meeting agendas were determined by reference to particular sections of SB 2 and the state agencies responsible for carrying out the directives of those sections.

The following is a list of the sections of SB 2 that were reviewed and the state agencies that offered testimony. Included with the list are specific suggestions for improving or clarifying the law if any were presented to or developed by the task force.

Section 5. (codified as KRS 224.43-340), Natural Resources and Environmental Protection Cabinet; This section designates the cabinet as responsible for the oversight of local solid waste management planning and sets June 1, 1991 as the date for the cabinet to receive applications for local entities to be designated solid waste management areas.

Section 10. KRS 147A.031, Department of Local Government; This section designates the department as the coordinating agency responsible for the development of procedures designed to resolve conflicts resulting from municipal solid waste management siting and operation. The department drafted administrative regulations to fulfill this responsibility. Questions arose about how negotiators or arbitrators might be selected, how involved should the department be in negotiations, and how will any negotiator or arbitrator be paid.

Members raised several questions concerning the interpretation of Section 10. The most significant of these was the question of whether the conflict resolution procedure should be used to settle disputes over the siting and operation of landfills. Another question was whether the use of the process should be mandatory and if the conclusions of an arbitrator should be binding.

As a result of this discussion the task force voted, with one dissenting vote, to request that the proposed administrative regulations be held in abeyance until the next General Assembly can answer the questions of interpretation through legislation.

Section 13. KRS 152.045, Kentucky Recycling Brokerage Authority; This section created the authority to promote local government efforts to develop reliable markets for locally collected recyclables. The following questions were asked: Should funding be requested from the 1992 General Assembly, through the Economic Development Cabinet budget request, to fund an estimated 7 to 9 personnel positions to staff the Kentucky Recycling Authority? Should the law be clarified about whether the Kentucky Recycling Authority may provide services to entities other than local governments? Should a formal reporting process be developed for the authority to report regularly to a legislative committee?

Section 15. KRS 224.10-620, Natural Resources and Environmental Protection Cabinet, the Environmental Council, and the Department of Education; This section combines the resources of these agencies to establish a program to educate the public of the importance of reducing and managing waste effectively. A question was raised whether budget constraints will require choices to be made between funding different environmental education programs.

Section 21. KRS 224.43-380, Natural Resources and Environmental Protection Cabinet; This section requires the filing of a form consenting to the jurisdiction of Kentucky courts by persons associated with the transport of solid waste into Kentucky.

Section 22. KRS 174.450, Transportation Cabinet; This section mandates that the Transportation Cabinet develop a program to license municipal solid waste transportation vehicles. Discussion of this section led to these

questions: Should a penalty be available to the Transportation Cabinet which could be imposed for failing to have a license or to list all solid waste vehicles that are required to be licensed? Should the placarding requirement be replaced by a requirement for vehicles to have a nonremovable sign? Should vehicles which pass through Kentucky to a final destination outside the state be required to be placarded and licensed?

Section 50. KRS 136.120, Revenue Cabinet; This section requires the Revenue Cabinet to determine the value of solid waste landfills for the purpose of assessing local property taxes.

Section 54. KRS 45A.520, Finance and Administration Cabinet; This section requires the Finance and Administration Cabinet to promulgate by September 1, 1991, administrative regulations that will stipulate the recycled material content of goods and supplies purchased by state agencies.

In addition the task force benefited from general observations on the progress of implementing Senate Bill 2.

Several commenters praised the effort of the Natural Resources and Environmental Protection Cabinet to fulfill its responsibilities under the law. Relating to the efforts of the cabinet, a task force member strongly urged the cabinet to emphasize to local officials the responsibility of counties to clean up open dumps as set out in Section 6(1)(g)4., codified as KRS 224.43-345(1)(g)4.

Other testimony related to other aspects of the law follow:

Should the cabinet be authorized to allow emergency expansions of solid waste landfills without a demonstration from local officials that emergency conditions exist? Should the timing of public notice of applications to renew solid waste landfill permits be changed in order that a public hearing will be held at a time in the permit review process when sufficient information is known upon which the public can make an informed decision? May industrial solid waste be included in a county determination of whether a municipal solid waste management permit application is consistent with the area solid waste management plan? Should public notice be required prior to issuing certain solid waste permits such as landfarming and research and demonstration landfill permits? Should public participation in drafting local solid waste management plans be clarified? Should public hearings be required as part of the process of drafting solid waste management plans? Should a means be put into law to equalize the bargaining position of county officials when dealing with landfill operators?

Can the service areas proposed by landfill permit applicants and the selection by counties of landfill services be coordinated? Should background checks be made of solid waste haulers? Should the Attorney General's office or the Kentucky State Police be involved in background checks?

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