

**224.43-360 Limitation on increases in amount of waste accepted -- Exceptions --
Revision of limitation by cabinet.**

- (1) Consistent with requirements of KRS Chapter 224, increases in the amount of waste from any geographic source permitted to be accepted by any municipal solid waste disposal facility shall not exceed more than five percent (5%) of the average volume of waste accepted during the twelve (12) month period January 1990 through December 1990 unless:
 - (a) The facility has been constructed in accordance with the most stringent containment standards effective January 1, 1991; or
 - (b) The facility meets a design standard of at least twelve (12) inches of soil with a maximum permeability of one (1) times ten (10) to the minus seven (7) power centimeters per second or its equivalent, has a leachate collection system installed in a manner approved by the cabinet, and has a groundwater monitoring system approved by the cabinet.

A municipal solid waste disposal facility meeting the requirements of subsection (1)(b) of this section shall not accept waste for disposal after July 1, 1995, unless it meets the most stringent containment standards effective January 1, 1991.

- (2) The cabinet shall revise upward or downward the limitation contained in subsection (1) of this section if it determines that the revision is necessary to be consistent with the statewide solid waste reduction and management plan or the area solid waste management plan; to assure capacity for disposal of solid waste generated in Kentucky; to assure capacity for disposal of industrial solid waste generated in Kentucky as the result of economic development; to protect against risks to health, welfare, or the environment; or to allow a solid waste disposal facility to accept those wastes it is required to accept by a contract executed before October 1, 1990.
- (3) The provisions of this section shall be incorporated in the permits of solid waste disposal facilities to which it applies not designed in accordance with the most stringent containment standards adopted by the cabinet for these facilities.

Effective: February 26, 1991

History: Created 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 18, effective February 26, 1991.

Formerly codified as KRS 224.8903.