

**KENTUCKY DIVISION OF WASTE MANAGEMENT**  
**LOCAL ASSISTANCE SECTION**  
**Solid Waste Management Plan Amendments**  
*Guidelines, Forms and Protocol*

Updated 3-1-18 – LT

**Purpose:** The purpose of this document is to provide agency staff, local governing bodies of solid waste management areas (SWMA) and the general public with guidance on procedures associated with solid waste management plan (SWMP) amendments, consistency reviews, local determination, public participation process involved with siting, constructing, expanding and modifying solid waste disposal facilities. Protocols for these activities include sequential tasks conducted by both solid waste management areas and Kentucky Division of Waste Management (DWM) programs involving local assistance and permit review.

**\*Note:** Please note that activities related to plan amendments, permit reviews and siting facilities are circumstantial and often controversial. Plan amendment and permit approvals may be contingent upon local ordinances, public response, fiscal court proceedings, and/or determinations made by DWM staff.

**Background:** Generally, any entity seeking to make a change, requesting to site or expand a facility or otherwise proposing an amendment to an approved SWMP must first submit a formal request to the local governing body of the SWMA. The local governing body then notifies DWM/RLA that a potential amendment has been initiated. The process of amending a plan involves tasks associated with the SWMA governing body, citizens of the SWMA and DWM/RLA; therefore, this document is written to address procedures as it relates to all three entities. There are two forms that must be completed during the process and there are a series of public notices, public hearings and formal resolutions that may or may not be required pending approval by DWM/RLA. The forms and templates for documenting the amendment process are listed below:

**Forms:**

<i>Form A</i>	<i>Application to Amend Area Solid Waste Management Plan</i>
<i>Form B</i>	<i>Public Notice for Plan Amendment</i>
<i>Form C</i>	<i>County Resolution for Approving Amendment</i>
<i>Form D</i>	<i>City Resolutions Supporting County Amendments</i>
<i>Form E</i>	<i>Public Notice for Consistency Determination</i>
<i>Form F</i>	<i>Resolution for Determination of Consistency/Inconsistency</i>
<i>Form G</i>	<i>Documentation for Completion of Amendment</i>
<i>Form H</i>	<i>Letter to Deny Amendment Proposal</i>
<i>Letter</i>	<i>Letter from Cabinet Overriding Determination by Local Governing Body</i>

**Definitions:**

**Amendment to SWMP** – Any proposed change to an approved solid waste management plan during the 5-year update planning period. SWMAs must notify DWM of proposed amendments.

**Capacity Assurance** – A requirement for SWMAs to assure space at a landfill or multiple landfills for a minimum of 10 years. SWMAs must submit capacity assurance letters in each 5-year update to their SWMP.

**Capacity Authorized (Total)** – The total amount of tonnage (space) allowed by a SWMA for a host landfill.

**Capacity Remaining** – The amount of space (volume and years) remaining in a landfill.

**Collection box – KRS 224.1-010** An unmanned receptacle to used to collect municipal solid waste.

**Consistency Review** – A review of the current SWMP to determine if the content in an amendment proposal (i.e. content of a permit application or RPBR registration) is consistent with the content of the SWMP. Reviews may involve RPBRs, minor or major modifications to permits, permits for new solid waste facilities, revised ordinances, changes to facilities, etc.

**Convenience Center - KRS 224.1-010** A facility that is manned during operating hours for the collection and subsequent transportation of municipal solid wastes.

**CDD Landfill** – A landfill permitted to accept construction/demolition and debris.

**Modification to Add/Delete Sources** – A modification to a permit or Registered Permit by Rule registration (whereby waste sources from geographic areas are added or deleted. Modifications for add/delete sources require a consistency review and potentially a SWMP amendment.

**Local Determination** – A determination from the governing body of a solid waste management area that a proposed facility is consistent with the area solid waste management plan. *As per KRS 224.40-315, all permit applications to construct or expand a solid waste management facility, must contain a local determination by the SWMA that the proposed facility is consistent with the plan. In other words, if the proposed facility is not referenced in the SWMP, then it is inconsistent and the SWMA must work through a public participation process. First, the local governing body must publicize the proposal and request for consistency with the SWMP and subsequently adopt a resolution for determination of consistency/nonconsistency. Second, if the application is consistent with the plan, then the applicant can move forward for review by DWM. Third, if the application is inconsistent, then the governing body can adopt a resolution not to allow it to be consistent or the governing body and pursue a plan amendment.*

**Local Siting Procedures** – The requirements made by a local governing body with respect to siting a solid waste facility within the SWMA. Siting procedures are generally enforced through a siting ordinance or zoning ordinance and often require a petition to the local governing body as the first step in the process.

***Municipal Solid Waste Disposal Facility*** – Any type of waste site or facility where the final destination of any amount of municipal solid waste occurs.

***Public Participation Process*** – Process of public notification, public hearing and response to comments in an effort to involve the public in the decision-making process with respect to siting solid waste facilities.

***Transfer Facility – KRS 224.1-010*** – Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation. Transfer stations are considered “collection systems” as it is not a permanent disposal site.

***RPBR*** – Registered Permit by Rule are registrations that are required for transfer stations, convenience centers, recycling centers and medical waste transfer stations. These facilities must submit an RPBR registration to DEP-DWM-SWB as per KRS 224.01-010. Registrations become effective 5 days after the cabinet receives them (except medical waste transfer stations which become effective 30 days after receipt) unless the cabinet denies the registration within that time.

***Solid Waste Disposal Facility – KRS 224.1-010***

***Solid Waste Management - KRS 224.1-010*** 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.

***Solid Waste Management Facility – KRS 224.1-010*** 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.

***Waste site or facility - KRS 224.1-010*** Any place where waste is managed, processed, or disposed of by incineration, landfilling, or any other method, 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, or the combustion of processed waste in a utility boiler.

## **Amendment Process**

**Note:** The amendment process varies depending on the circumstances of the proposed change. Two processes by which to approach amending a SWMP are outlined below. Basically, the steps to amending a SWMP always involves a consistency review, but may or may not involve public notices and local determination.

**Note:** A consistency review (by DWM ) between the approved SWMP and the permit application is performed on all permits for contained landfills, all modifications to permits for adding or deleting sources; all RPBRs for new or modifications to facilities. Upon completing the review, RLA must write a memo to the SWB to verify that the local SWMA is aware of the modification.

Note: A consistency review (by DWM) between the approved SWMP and the proposed change as noted in *Form A - Application to Amend Area Solid Waste Management Plan*, is performed on all amendment proposals. Upon completion of the review, RLA must notify the SWMA how to proceed with amendment.

**Note:** Most SWMP amendments require additional pages or replacement pages to identify the change, such as a new program, facility or service. It is not necessary to change all subsequent page numbers in the SWMP. If additional pages are added; simply place “a, b, c ... etc.” after the appropriate page number.

## **Amendment Process for Changes to SWMPs during 5-YEAR Planning Period**

1. SWMA either proposes or is presented with a proposal to amend the SWMP. If the proposal is to site or expand a municipal solid waste disposal facility (as defined in KRS 224.01-010) then follow the steps outlined under Amendment Process for Siting or Expanding a Solid Waste Facility in this document.
2. SWMA reviews the proposal and makes determination about whether or not local ordinances, siting procedures or zoning issues will conflict with the proposal.
3. If the SWMA determines that the proposal should receive further consideration, then they should complete and submit *Form A - Application to Amend Area Solid Waste Management Plan* to DWM/RLA.
4. DWM/RLA reviews Form A, and completes a consistency review with the approved SWMP. DWM must respond to SWMA within 30 days and advises how to proceed with proposal.
5. DWM/RLA will notify SWMA if a 30-day Public Notice is necessary *OR* if no further steps are necessary to incorporate the proposed amendment. **Note:** Requirements for public notice(s) and resolution(s) for potential amendments involving solid waste disposal facilities depends on the type of facility, location of the facility (on-site or off-site of the solid waste generator), and the content of the approved SWMP.

6. If a public notice is not required and no further steps are necessary, then the SWMA amends the appropriate pages and submits them to DWM. Both SWMA and DWM insert the new pages into the official (now amended) copy of the SWMP. Both the SWMA and DWM keep an amended copy on file. DWM enters the amended pages and documents pertaining to the amendment under the approved SWMP gray bar in TEMPO.
7. If a 30-day public notice is required, then the SWMA must make the proposed amendment available for public review. SWMA uses Form B and publishes the notice in a local newspaper at least 30 days prior to a scheduled public hearing date. The public notice must be verified by affidavit for Form G.
8. If the public notice prompts a request from the public, then the SWMA must hold a public hearing.
9. After considering public opinion, if the SWMA decides to approve the proposed amendment, then a Resolution (Form C and D) must be passed by the SWMA governing body, county and/or city. The SWMA will then submit Form G to DWM for final review.
10. **Or** After considering public opinion, if the SWMA decides not to approve the proposed amendment, then Form H and G informing DWM that the proposed amendment was not approved must be submitted along with all other information to DWM for final review.
11. DWM will notify SWMA when the review and amendment process is complete. All paperwork is filed with the approved SWMP kept on file with DWM and SWMA.

### **Amendment Process for Siting or Expanding a Solid Waste Disposal Facility**

1. SWMA is presented with a proposal or permit application to site, expand or change the services of a solid waste disposal facility in the SWMA. SWMA has 60 days to respond.
  - a. **Note:** Requirements for public notice(s) and resolution(s) for potential amendments involving siting or expanding solid waste disposal facilities depends on the type of facility, location of the facility (on-site or off-site of the solid waste generator), and the content of the approved SWMP.
  - b. **Note:** The definition of “solid waste disposal facility” means a contained landfill; construction/demolition debris landfill except for a landfill for the disposal of sand, soil, rock, gravel, bridge debris, and other materials extracted as part of a public road construction project funded wholly or in part with state funds; residual landfill; solid waste incinerator; waste to energy facility; or a hazardous waste incinerator, landfill, or other site or facility for land disposal of hazardous waste.
  - c. **Note:** The definition of a “Registered permit-by-rule” (RPBR) means a category of solid waste sites

including commercial recycling centers, transfer stations, construction/demolition debris landfills of (1) acre or less, when the wastes are not disposed at the site of generation; solid waste incinerators that have a rated capacity of more than (1) ton per day including those that use refuse derived fuel; sludge giveaway programs, composted sludge and other composted material programs in accordance with 401 KAR 48:200; land farming of class I sludge, septic tank pumping if in compliance with the Cabinet for Human Resources administrative regulations and the waste is not applied to within (3) feet of the surface of the land unless a method to reduce pathogens has been utilized in accordance with 401 KAR 48:200; and convenience centers.

2. SWMA begins process to determine if the proposal is consistent or inconsistent with the approved SWMP.
3. SWMA runs a public notice for seven days to announce the 30-day public comment period. (Form E).
4. SWMA allows for a public hearing if requested and responds to comments within 15 days of the close of the public comment period.
5. After the public notice and public hearing is completed, the SWMA passes a formal resolution (Form F).
6. If the Resolution is consistent, then the plan may be amended and the proposed siting or permit application may proceed to the next phase. All documentation is submitted with Form G to DWM for a final review.
7. DWM completes the review and notifies SWMA that the review and amendment process is complete. Both SWMA and DWM insert the new pages into the official (now amended) copy of the SWMP. Both the SWMA and DWM keep an amended copy on file. DWM enters the amended pages and documents pertaining to the amendment under the approved SWMP gray bar in TEMPO.
8. If the Resolution is Inconsistent, then the SWMA has two options:
  - a. Submit the Resolution Determining Inconsistency to DWM.
    - i. If DWM agrees with the inconsistent determination, then the amendment process is halted at the local level and the plan will not be amended. Consequently, DWM will not accept a facility permit.
    - ii. If DWM disagrees with the inconsistent determination, then the amendment process can continue provided that the Cabinet submits a written statement explaining why it did not accept the local governing body's determination. Consequently, the plan may be amended.
  - b. Pursue amending the SWMP to make the proposal/ permit application consistent with the SWMP. If this is decided, then the SWMA will have to submit another public notice and pass another resolution as outlined in the steps below. If the SWMA decides to pursue amending the plan to achieve consistency, then these steps must be followed:

- i. The SWMA must make the proposed amendment available for public review. A public notice (Form B) must be published in a local newspaper at least 30 days prior to the scheduled public hearing date. The public notice must be verified by affidavit.
- ii. The SWMA must hold a public hearing if requested.
- iii. After considering public opinion, if the SWMA decides to approve the proposed Amendment, then a Resolution (Form C, D) must be passed by the SWMA governing body, county and/or city. The SWMA will then submit all documentation and Form G to DWM for final review.
- iv. **Or** After considering public opinion, if the SWMA decides not to approve the proposed amendment, then Form H informing DWM that the proposed amendment was not approved must be submitted along with all other information and Form G to DWM for final review.
- v. DWM will notify SWMA when the review and amendment process is complete. All paperwork is filed with the approved SWMP kept on file with DWM and SWMA.

**APPLICATION TO AMEND AREA SOLID WASTE MANAGEMENT PLAN**

I. Name of Solid Waste Management Area: \_\_\_\_\_

Name of Governing Body Chairperson: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

II. Please provide a brief statement about the proposed amendment and the pages of the current Solid Waste Management Plan that will be updated if the amendment is approved.

Nature of Amendment and page(s) affected:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

III. Attach a separate page for a formal description of the proposed amendment outlining: justification, desired outcome, implementation schedules and financial accountability.

IV. Signature of Governing Body Chairperson \_\_\_\_\_

V. Date \_\_\_\_\_



**PUBLIC NOTICE FOR PLAN AMENDMENT  
(Template)**

The Governing Body of **[insert name]** County will conduct a public comment period to consider amending the Area's Solid Waste Management Plan. The proposal was submitted to the Kentucky Environmental and Public Protection Cabinet, Division of Waste Management, in accordance with KRS 224.43-340 and 401 KAR 49.011, Section 4 (attached). If approved, the amendment would revise the **[insert name]** County Area Solid Waste Management Plan by:

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The proposed plan amendment is available for public inspection beginning **[month, day, and year]** at the following locations during their normal business hours:

\_\_\_\_\_ County Judge/Executive's/109 Board Chairperson's office, **[street address]**.

\_\_\_\_\_ County Solid Waste Coordinator's office, **[street address]**.

\_\_\_\_\_ County Public Library (name of city), **[street address]**.

\_\_\_\_\_ City Hall, **[street address]**.

Additional information about the proposed plan amendment is available from **[insert contact name]**, **[insert name]** County Solid Waste Coordinator (and/or governing body chair), at **[phone number]**. Anyone unable to review the plan at the above locations may call and request that a copy of the relevant pages be mailed to them.

Any person wishing to comment on the plan amendment may do so by providing comments no later than close of business on the 30<sup>th</sup> day of the public notice, **Month, Date, Year**, to the **[insert name]** County Fiscal Court at **[street address]**. Any person wishing to be heard at a public hearing must make a request via telephone **[insert phone number]** or fax **[insert phone number]**, email **[insert email address for either or both the swc and j/e]** or written communication, to the governing body identified above, no later than close of business (COB) on the 30th day.

A public hearing is scheduled on **Month, Date, Year** at **[insert time]**. to receive public comments on the plan amendment. The hearing will be held in the **[insert name]** County Courthouse in the the Fiscal Courtroom at **[street address]**. If the **[insert name]** County Fiscal Court receives no requests for a public hearing, the public hearing may be cancelled.

The **[insert name]** Fiscal Court will respond to written comments within 15 days of the close of the public comment period, **Month, Date, Year**, and will consider the proposed plan amendment and will take action determining the amendment at the **Month, Date, Year [insert name]** County Fiscal Court meeting.

COUNTY RESOLUTION APPROVING AMENDMENT # \_\_\_\_\_  
(Template)

A resolution approving the submission of [insert name] County’s application to amend the [insert name] County Area Solid Waste Management Plan and adopting the amendment(s) as public noticed.

**WHEREAS:** The Governing Body of [insert name] County, based on updated information on the area's solid waste management practices, and acting on behalf of its citizens, is amending the [insert name] County Area Solid Waste Management Plan; and

**WHEREAS:** The Governing Body of [insert name] County is acting pursuant to KRS 224.43-340 that requires every county in the Commonwealth of Kentucky to formally adopt any change(s) in its solid waste management practices; and

**WHEREAS:** The Governing Body of [insert name] County will revise the Area Solid Waste Management Plan and is eligible to amend and implement such revision(s).

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of [insert name] County, Kentucky, as follows:

[insert name] County published a thirty day public notice and [held/did not hold] a public hearing (if requested). Consideration was given to oral/written comments for the proposed amendment(s), and the governing body elects to pass a resolution outlining the changes to the [insert name] County Area Solid Waste Management Plan.

**SECTION I.** Having reviewed the amendments to the [insert name] County Area Solid Waste Management Plan, the Governing Body of [insert name] County approves the following (list amendments):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Governing Body Chairperson  
[Insert name] County, Kentucky

**CITY RESOLUTION SUPPORTING COUNTY AMENDMENTS  
(Applies to 1<sup>st</sup> and 2<sup>nd</sup> Class Cities Only)  
(Template)**

A resolution adopting amendments to the **[insert name]** County Area Solid Waste Management Plan and recognizing **[city name]** as a part of the **[name]** County Area Solid Waste Management Area.

**WHEREAS:** The City of **[insert name]** finds it to be in their best interest to amend the waste management program(s) pertinent to the City of **[insert name]** to assure its citizens a healthful and environmentally safe place to live and work.

**NOW THEREFORE BE IT RESOLVED** by the City Council of **[insert name]**, **[insert name]** County, Kentucky, as follows:

**SECTION I.** Having reviewed the amendments to the **[insert name]** County Area Solid Waste Management Plan, the **[insert name]** City Council hereby approves the following (list amendments):

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Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Mayor of **[insert name]**

**[Insert name]** County, Kentucky

**PUBLIC NOTICE FOR CONSISTENCY DETERMINATION WITH AREA SOLID WASTE MANAGEMENT PLAN  
(Template)**

The **[insert name]** County **[Fiscal Court/109 board]** is seeking public comment on the issue of consistency with the \_\_\_\_\_ County area solid waste management plan regarding the Application/Notice of Intent received by the governing body on **[date]**. The Application/Notice of Intent received from **[applicant's name]** outlines the proposed **[construction and/or expansion]** of a municipal solid waste disposal facility known as **[name of facility]**.

**[applicant's name]**'s proposal is to *CONSTRUCT* a **[contained landfill/ off-site residual landfill/ greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility with a proposed ten-year capacity of \_\_\_\_\_ tons and airspace volume of \_\_\_\_\_ cubic yards.

**AND/OR**

**[applicant's name]**'s proposal is to *EXPAND* a **[contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility with a proposed ten-year capacity of \_\_\_\_\_ tons and airspace volume of \_\_\_\_\_ cubic yards.

Pursuant to KRS 224.40-315, the **[insert name]** County **[Fiscal Court/109 board]** will make a determination of consistency after public notice and opportunity for public comment and hearing.

The Application/Notice of Intent and the **[insert name]** County area solid waste management plan are available for public inspection at the following locations during their normal business hours: *List locations here with name of office and street address – suggest the county list the county j/e's/109 Board/ solid waste coordinator's office as well as the local library or city hall.*

Additional information about the Application/Notice of Intent is available from *list the judge/109 Board/ solid waste coordinator* at **[insert phone number]**. Anyone unable to review the Application/Notice of Intent and/or the relevant pages of the area solid waste management plan at the above locations may call and request that a copy be mailed to them.

Any person wishing to comment on the consistency determination may do so by providing comments no later than close of business on the 30<sup>th</sup> day of the public notice, *(The public notice shall run a minimum of seven (7) days)*, **Month, Date, Year**, to the **[insert name]** County Fiscal Court at **[street address]**. Any person wishing to be heard at a public hearing must make a request via telephone **[insert phone number]** or fax **[insert phone number]**, email **[insert email address for either or both the swc and j/e]** or written communication, to the governing body identified above, no later than close of business (COB) on the 30th day.

A public hearing is scheduled on **Month, Date, Year** *(can schedule for the last day of the public notice {it must be after close of business if scheduled for the 7<sup>th</sup> day}, the day after the end of the public notice period or the next working day)* at **[insert time]** to receive public comments on the consistency determination. The hearing will be held in the **[insert name]** County Courthouse at the Fiscal Courtroom at **[street address]**. If the **[insert name]** County Fiscal Court receives no requests for a public hearing, the public hearing may be cancelled.

The **[insert name]** Fiscal Court will respond to written comments within 15 days of the close of the public comment period, **Month, Date, Year**, and will consider the proposed consistency determination and take action at the **Month, Date, Year** **[insert name]** County Fiscal Court meeting.

**RESOLUTION FOR DETERMINATION OF CONSISTENCY/INCONSISTENCY  
(Template)**

WHEREAS: The County/City of **[insert name]**, based on the Notice of Intent dated **[date]** from **[applicant's name]** request to issue a determination of consistency with the **[insert name]** County Area Solid Waste Management Plan, pursuant to KRS 224.40-315(1), to **[construct/increase]** the tonnage/volume of airspace for the **[contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility; and

WHEREAS: The total capacity **[requested/authorized]** for the *newly constructed* **[contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility is \_\_\_\_\_ tons (\_\_\_\_\_ cubic yards) and;

AND/OR

WHEREAS: The proposed **[expansion request/authorization]** will *increase* the **[contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility by \_\_\_\_\_ tons (\_\_\_\_\_ cubic yards); and

WHEREAS: The proposed request is **[consistent/inconsistent]** with the area solid waste management plan: and

WHEREAS: The **[insert name]** County **[Fiscal Court/109 board]** published the Public Notice required by KRS 224.40-315(1) on **[date]**, and scheduled a public hearing on **[month, day, year]**; and

WHEREAS: The **[insert name]** County **[Fiscal Court/109 board]** has considered the request for consistency filed by **[applicant's name]**, and oral comments **[were/were not]** received at the public hearing conducted on **[date]**, and written comments **[were/were not]** received during the public comment period provided in the Public Notice;

NOW, THEREFORE, BE IT RESOLVED that the **[insert name]** County **[Fiscal Court/109 board]**, as the governing body for the **[insert name]** County Solid Waste Management Area, hereby determines that the **[applicant's name]'s** request is *consistent* with the **[insert name]** County Area Solid Waste Management Plan; because:

- A. The **[insert name]** County [Fiscal Court/109 board], after due consideration and review, formally amended the plan to allow for the **[construction/expansion]** of the **[contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility.
- B. The **[insert name]** County [Fiscal Court/109 board] authorized a total capacity, \_\_\_\_\_ tons for a \_\_\_\_\_ year period for the **[construction/expansion]** of the **[contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy]** facility.
- C. The **[insert name]** County **[Fiscal Court/109 board]**, after due consideration and review, determines the **[applicant's name]'s** request is included in the **[insert name]** County area solid waste management plan.

OR

NOW, THEREFORE, BE IT RESOLVED that the [insert name] County [Fiscal Court/109 board], as the governing body for the [insert name] County Solid Waste Management Area, hereby determines that the [applicant's name]'s request is *inconsistent* with the [insert name] County Area Solid Waste Management Plan; because:

- A. The [insert name] County [Fiscal Court/109 board], after due consideration and review, determines the [applicant's name]'s request is not included in the [insert name] County area solid waste management plan.
- B. The [insert name] County [Fiscal Court/109 board], after due consideration and review, intends to conduct a 30 day public notice period to consider amending the [insert name] County area solid waste management plan to include the [construction/expansion] of the [contained landfill/off-site residual landfill/greater than one acre construction demolition/debris landfill/incinerator/waste-to-energy] facility.

OR

- B. The [insert name] County [Fiscal Court/109 board], after due consideration and review, declines to formally amend the [insert name] County area solid waste management plan to include [applicant's name] request citing restrictions in [insert name] County solid waste management ordinance, number \_\_\_\_ [and/or] citing restrictions based on Section \_\_\_ of the solid waste management plan ordinance number \_\_\_\_ [and/or] citing restriction based on the [insert name] County Siting ordinance number \_\_\_\_ [and/or] based on the [insert name] Planning and Zoning ordinance number \_\_\_\_\_.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Governing Body Chairperson

[insert name] County, Kentucky

DOCUMENTATION FOR COMPLETION OF AMENDMENT FOR  
AREA SOLID WASTE MANAGEMENT PLAN

Name of Solid Waste Management Area: \_\_\_\_\_

Governing Body responsible for plan implementation:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

[insert name] County is submitting the enclosed information to be included as a part of the [insert name] County Area Solid Waste Management Plan.

Please check off the following enclosures:

\_\_\_\_ Two copies of the solid waste management plan page replacements.

\_\_\_\_ Two copies of the public notice advertising the amendment review [and/or] two copies of each public notice determining consistency with the area solid waste management plan. The public notice should consist of a tear sheet (whole page) of the newspaper and a copy of the article OR two copies of the public notice with an original and one copy with an affidavit from the newspaper verifying publication dates.

\_\_\_\_ Original and one copy of action(s) by the governing body approving the amendments and/or consistency determinations.

\_\_\_\_ Original and one copy of the letter informing the division the proposed amendment was not approved.

\_\_\_\_ Original and one copy of action(s) approving the amendments by first or second class city legislative bodies that have developed their portion of the plan.

\_\_\_\_ Agreements or contracts (if any).

\_\_\_\_ Proposed rules; regulations or by-laws (if any).

\_\_\_\_ Supporting documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governing Body Chairperson  
[insert name] County, Kentucky

Letter to Deny Amendment Proposal  
(Template)

Date

Department for Environmental Protection  
Division of Waste Management  
Recycling and Local Assistance Branch  
**[insert address]**  
Frankfort, Kentucky 40601 42420

RE: Amendment Proposal for \_\_\_\_\_**[insert name]** County, Solid Waste Management Plan

Dear Ms./Mr. :

The **[insert name]** County **[Fiscal Court/109 board]**, after due consideration and review, declines to formally amend the **[insert name]** County area solid waste management plan to include **[applicant's name] proposal and/or siting request:**\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The **[insert name]** County **[Fiscal Court/109 board]**, determined a number of significant public concerns that factored into the decision. The following concerns support our decision to deny the amendment:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**[insert name]** Governing Body Chairperson  
County, Kentucky