



HB 443 UPDATES – ENGINEERING & WASTE MANAGEMENT

Environmental Quality & Public Works Committee

June 10, 2025





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ENGINEERING STORMWATER MANUAL UPDATES

Presenter: Doug Burton, Director

Division of Engineering





Why – HB 443

- New section of KRS 100

(1) Except as provided in subsection (2) of this section, the ordinances, rules, and regulations adopted pursuant to this chapter governing subdivision plats and development plans shall be in the form of **objective standards** that shall be **applied ministerially**.

(2) Ordinances, rules, and regulations governing development plans may allow for **discretion** to be applied by the approving authority in circumstances where:

a) An applicant seeks a deviation from the established objective standards; or

b) The approving authority determines, based on substantial evidence, that a strict ministerial application of the established objective standards would pose a specific threat





What – Stormwater Manual Updates

■ 1.1 Regulatory Basis of the Stormwater Manual

The manual includes stormwater planning, design, and construction standards for the infrastructure that is routinely designed and constructed in development projects, including conventional engineering principles and practices. The Planning Commission ~~may impose additional requirements to address issues that arise during the approval process for development plans and subdivision plans. The~~ and the Director of the Division of Engineering may require additional and/or higher standards ~~for unusual conditions not specifically covered in this manual or where otherwise appropriate from an engineering standpoint to assure public safety and quality in infrastructure design and construction.~~ if substantial evidence exists that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare.

■ 1.8.2 Stormwater Criteria for Redevelopment Projects – Applicability

The Division of Engineering may require additional controls where they deem it necessary to protect downstream property if substantial evidence exists that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare.





What – Stormwater Manual Updates

■ Division Responsibilities

The **Division of Planning** is responsible for administering the subdivision and development plan process. Infrastructure issues for a proposed development are reviewed by the Technical Committee, which meets each month, to review development plans and subdivision plans. The committee includes staff from many areas of government, including the Divisions of Building Inspection, Engineering, Environmental Services, and Water Quality. The committee makes a formal recommendation to the Planning Commission's Subdivision Committee to approve or disapprove the plan. The Planning Commission may ultimately impose additional requirements if substantial evidence exists that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare~~to address unique issues that arise during the approval process for development plans and subdivision plans~~. The additional requirements are legally binding requirements that must be integrated into plans prepared by the Engineer.





When

- Takes effect on July 1, 2025





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Questions?





WASTE MANAGEMENT CHAPTER 16 UPDATES

Presenter: John Howard, Deputy Director

Division of Waste Management





The Purpose of Today's Presentation is to:

- Summarize proposed changes to Chapter 16;
- Highlight the Importance of Dumpster Service Standards; and
- Briefly discuss Dumpster Inspections, Permits, and Fees.





Introduction

- There are approximately 3,800 dumpsters permitted by the Division of Waste Management.
- Permit applications must meet Division of Waste Management's requirements for Dumpster placement.
- Dumpsters are serviced by the Division of Waste Management except when serviced privately based upon tax district and/or contractual agreement.





Proposed Changes to Chapter 16

- HB 443 requires that local laws and regulations governing development plans “shall be in the form of objective standards.”
- Requested changes to Chapter 16 are to codify the Division’s existing requirements for:

- Truck maneuvering;
- Concrete pads and Dumpster enclosures – to include compliance with ADA standards; and



Compliance with all regulations of the Division’s “Dumpster Service Guide” currently under revision.

DUMPSTER SERVICE GUIDE

Permits – Placements – Screening – Scheduling – Specifications



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Dumpster Service Standards

- Chapter 16 would contain additional references to the Division's Dumpster Service Standards (previously "Dumpster Service Guide").
- Dumpster Service Standards are currently being revised to correspond with House Bill 443.
- Dumpster Service Standards are regulations developed to ensure public health and safety around Dumpsters and Dumpster enclosures.





Inspections and Permits

- Division of Waste Management's Enforcement Officers are responsible for performing inspections and approving new permits.
- Enforcement Officers are also responsible for re-inspections, which occur when a permit holder or dumpster location changes.
- Waste Management Drivers report problems and issues with dumpsters when they observe them, and these matters are referred to Waste Management Enforcement Officers for investigation.





Permits and Fees

- Currently, Chapter 16 requires a one-time fee, in the amount of \$25.00, to obtain a Dumpster Permit with no requirement for renewal – absent ownership change or dumpster relocation.
- Division of Waste Management may consider a future proposal requiring permits to be renewed every two years, with re-inspection performed by Division of Waste Management Code Enforcement Officers that would approve the renewals.





Next Steps

- Council's support of proposed Stormwater Manual & Chapter 16 updates;
- Appropriate distribution and communications of finalized updates





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Questions?

