

#### **224.46-825 Powers and duties of board.**

The Kentucky Regional Integrated Waste Treatment and Disposal Facility Siting Board shall have the power, duty and authority to:

- (1) Adopt bylaws governing the organization and operation of the board.
- (2) Require applicants to submit such information as may be reasonably necessary to permit the board to act upon the application, including but not limited to the following:
  - (a) The location of the proposed facility and a map of the proposed location;
  - (b) A description of the design and capacity of the proposed facility;
  - (c) The anticipated sources of materials to be received at the facility, the proposed methods of transportation to and from the facility and the routes to be traversed;
  - (d) The experience and qualifications of the applicant;
  - (e) A detailed analysis of the local impacts of the facility including consideration of those factors identified in KRS 224.46-830.
- (3) Adopt regulations establishing a fee or schedule of fees for the cost of processing applications for certificates of environmental safety and public necessity which shall include the costs of public notices, hearings and all associated administrative costs required under KRS 224.46-810 to 224.46-870.
- (4) Adopt regulations prescribing the manner in which the board shall process applications for certificates of environmental safety and public necessity. Such regulations shall include but not be limited to the following:
  - (a) A requirement that, within ten (10) days of receipt of a complete application of the proposed site, a notice shall be published in a local newspaper in the county where a regional integrated waste treatment and disposal demonstration facility is proposed to be located and in all counties contiguous to said host county in the manner set forth in KRS Chapter 424 and the board shall provide written notice by certified mail to the county judge/executive of the county in which the facility is proposed to be located;
  - (b) A requirement that no less than thirty (30) days and no more than forty-five (45) days after publication of notice of receipt of a complete application, the board shall conduct a hearing in the county in which the facility is proposed to be located to determine whether a certificate of environmental safety and public necessity should be issued, unless the applicant requests a delay. The board shall give public notice of the time and place of the hearing in the manner set forth in KRS Chapter 424 in the county where the facility is proposed to be located and in all counties contiguous to said host county.
- (5) Issue or deny a certificate of environmental safety and public necessity. If the board denies the certificate, it shall state in writing the basis for its decision. The board may issue, revoke, or suspend certificates subject to such conditions as it may deem appropriate consistent with KRS 224.46-830 including, where appropriate, provision for mitigation of local impacts. Such mitigation may include provisions

for payment of sums by the holder of the certificate to public entities as compensation for local social and economic impacts.

- (6) Issue only one (1) certificate of environmental safety and public necessity. In order to carry out the purposes of KRS 224.43-810, 224.43-815, and KRS 224.46-810 to 224.46-870, the board may establish deadlines for applications, compare proposed facility and site applications, and shall evaluate the applications against the state's hazardous waste management needs, and shall issue a certificate to that facility which is most consistent with the purposes and goals of KRS 224.43-810, 224.43-815, and KRS 224.46-810 to 224.46-870. The board may request action by the General Assembly to authorize the issuance of certificates of environmental safety and public necessity for additional regional integrated waste treatment and disposal facilities upon a showing that such facilities can treat and dispose of hazardous waste in a safe and environmentally sound manner with a minimal amount of risk to the public, upon a showing of cause for the need for such additional facilities, and upon a showing of the ability of the Commonwealth to properly monitor and regulate such facilities.

**Effective:** July 15, 1982

**History:** Created 1982 Ky. Acts ch. 279, sec. 3, effective July 15, 1982.

**Formerly codified as** KRS 224.2205.