

**224.46-820 Kentucky Regional Integrated Waste Treatment and Disposal Facility Siting Board.**

- (1) There is created the Kentucky Regional Integrated Waste Treatment and Disposal Facility Siting Board consisting of nine (9) permanent members and three (3) temporary members. All members shall be residents of the Commonwealth of Kentucky. The secretary of the Cabinet for Health and Family Services or his designated representative shall be a permanent member of the board.
- (2) The other eight (8) permanent members of the board shall be appointed by the Governor. Except for initial appointments, board members shall be appointed for a term of four (4) years. Of the initial appointments, one (1) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years, and three (3) for a term of four (4) years. Each of the members appointed by the Governor shall hold office for the term for which he was appointed and until his successor shall have been appointed and taken office in his stead or until he shall resign or be removed in a manner provided by law.
- (3) The permanent membership of the board shall be composed of members having the following qualifications:
  - (a) Two (2) members having a demonstrated experience in hazardous waste management;
  - (b) Two (2) members from the Kentucky General Assembly;
  - (c) Two (2) members chosen from the science and engineering faculties of the institutions of higher education in Kentucky;
  - (d) One (1) member having demonstrated experience in industrial development planning; and
  - (e) One (1) member representative of the general public.
- (4) Three (3) temporary members of the board shall be appointed each time that an application for a certificate of environmental safety and public necessity is submitted. The temporary members of the board shall be appointed by the county judge/executive of the county in which a regional integrated waste treatment and disposal demonstration facility is proposed to be located and shall be bona fide residents of the county. The temporary members of the board shall be appointed within thirty (30) days of the declaration of intent required by KRS 224.46-825 and 224.46-830; however, failure of the appropriate appointing authority to appoint temporary members of the board within thirty (30) days shall not preclude the board from acting upon applications for certificates of environmental safety and public necessity. Temporary members of the board shall have all the rights and privileges of membership on the board while acting upon those applications for certificates for which they were appointed, but shall not participate in the transaction of other business by the board.
- (5) The permanent members of the board shall choose from among their membership a chairperson of the board.
- (6) Members of the board shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

- (7) Staff services for the board shall be provided to the extent practicable by personnel of the cabinet; however, the board may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency and arrange by contract for governmental and nongovernmental assistance as necessary in the performance of its duties, including expenses for administrative start-up costs incidental to the organization of the board. Services provided by state and municipal agencies shall be reimbursed at cost.
- (8) The cabinet shall not provide legal representation to the board. The board may enter into personal service contracts pursuant to KRS Chapter 45A to obtain legal counsel for representation on appeals to Franklin Circuit Court and in other legal matters.
- (9) The board shall meet as necessary for the performance of its duties, upon the call of the chairperson or upon the request of seven (7) members of the board by delivery of written notice of the meeting to each member of the board at least five (5) days prior to the meeting.
- (10) Seven (7) members of the board shall constitute a quorum for the transaction of business of the board and all actions by the board shall require the affirmative vote of seven (7) members of the board.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 563, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 508, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 496, sec. 56, effective July 13, 1990. -- Created 1982 Ky. Acts ch. 279, sec. 2, effective July 15, 1982.

**Formerly codified as** KRS 224.2203.