

Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management

28-29-2008. Coal combustion residual (CCR) facility permit renewal fees.

For each permitted CCR unit, the owner or operator shall pay to the department an annual permit renewal fee in accordance with this regulation.

(a) Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "Annual permit renewal fee" means the amount due for each permitted CCR unit.

(2) "Cost to implement the CCR program" means the estimated annual cost to the department, including salaries, benefits, and operational expenses, to perform the following tasks:

(A) Promulgate and update CCR regulations;

(B) prepare and update United States environmental protection agency CCR program approval applications; and

(C) implement and enforce CCR regulations.

(3) "Permitted CCR unit" means a solid waste disposal area or a solid waste processing facility that has been issued a permit by the secretary pursuant to K.S.A. 65-3407, and amendments thereto, and is subject to 40 C.F.R. 257 subpart D, as in effect on July 1, 2017, or any later version adopted by reference by the secretary.

(4) "Number of units subject to the fee" means the total number of permitted CCR units on May 1 of each year.

(b) Subject to subsection (c), the annual permit renewal fee shall be calculated by the department each year using the following formula:

$$\text{annual permit renewal fee} = \frac{\text{cost to implement the CCR program}}{\text{number of units subject to the fee}}$$

(c) The annual permit renewal fee shall not be less than \$500 and not more than the maximum limit specified for permitted CCR units in K.S.A. 65-3407, and amendments thereto.

(d) Each person that pays the annual permit renewal fee by check or money order shall make the check or money order payable to the "solid waste management fund—Kansas department of health and environment."

(e) Any owner or operator required to pay an annual permit renewal fee specified in this regulation for a permitted CCR unit shall not be required to pay the annual permit renewal fee specified in K.A.R. 28-29-84 for the facility at which the permitted CCR unit is located. Each owner and operator shall remain subject to the provisions of K.A.R. 28-29-84(a) and (b).

(Authorized by and implementing K.S.A. 2024 Supp. 65-3407; effective June 27, 2025.)

***** Authenticated Kansas Administrative Regulation *****