Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Class II Operating Permits.

28-19-546. Class II operating permits; annual emission inventory and fees.

The owner or operator of each stationary source that is required to apply for a class II operating permit shall comply with this regulation.

(a) Annual emissions inventory.

(1) Each owner or operator shall electronically submit to the department an annual emissions inventory for each stationary source for the year preceding the calendar year in which the owner or operator is required to apply for an operating permit and each year thereafter.

(2) Each annual emissions inventory shall be submitted for any regulated pollutant deemed necessary by the secretary from each emission unit, as defined in K.A.R. 28-19-200, and shall include the following:

(A) All operating information;

(B) actual emissions, including fugitive emissions, calculated pursuant to K.A.R. 28-19-210;

(C) any quantity of emissions regardless of operating hours, including sources that did not operate; and

(D) emissions from each source only while operating in Kansas, if the source operates both in Kansas and out of state.

(b) Annual emissions fees.

(1) Each owner or operator shall pay to the department annual emissions fees calculated by the department based on information provided in the annual emissions inventory.

(2) For calendar year 2025 and for each subsequent calendar year, the annual emissions fees shall be the sum of the hazardous air pollutant (HAP) emissions fee and the criteria emissions fee as follows:

(A) The HAP emissions fee shall be $80.00 per ton of emissions multiplied by the total number of tons of HAP emissions rounded to the nearest ton.

(B) The criteria emissions fee shall be $56.00 per ton of emissions multiplied by the total number of tons of emissions, with a maximum of 4,000 tons of each of the following pollutants rounded to the nearest ton:

(i) Sulfur dioxide;

(ii) nitrogen oxides;

(iii) PM10, excluding PM10 emissions already accounted for as HAP emissions in paragraph (b)(2)(A); and

(iv) volatile organic compounds (VOCs), excluding VOC emissions already accounted for as HAP emissions in paragraph (b)(2)(A).

(c) Submittal.

(1) Each annual emissions inventory shall be signed by a responsible official, as defined in K.A.R. 28-19-200, and shall be due on or before April 1 of each year or, if April 1 is a Saturday or Sunday, on or before the next business day following April 1.

(2) Each payment for annual emissions fees shall be payable to the Kansas department of health and environment by check, bank draft, credit card, or money order. Each payment shall be due on or before April 1 of each year or, if April 1 is a Saturday or Sunday, on or before the next business day following April 1.

(3) If there is a change in the owner or operator of the stationary source, the owner or operator at the time the submission is due shall be responsible for submitting the annual emissions inventory and annual emissions fees. For purposes of determining the annual emissions inventory required by subsection (a) for any period in which there was any other owner or operator of the stationary source, the owner or operator may assume current operating and emission information if the owner or operator is unable to obtain actual information from any previous owner or operator.

(d) Late fee and refund.

(1) Each owner or operator who fails to submit the annual emissions inventory and pay the annual emissions fees by the due date specified in subsection (c) shall pay a late fee. The late fee shall be $200.00 per day or 0.10 percent of the annual emissions fees per day, whichever is greater.

(2) Any overpayment of $100.00 or more made by the owner or operator of a stationary source may be refunded. Overpayments in any amount less than $100.00 shall not be refunded.

(Authorized by K.S.A. 65-3005 and 65-3024; implementing K.S.A. 65-3007 and 65-3024; effective Jan. 23, 1995; amended Feb. 20, 1998; amended Sept. 23, 2005; amended Dec. 23, 2022.)

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