Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Construction Permits and Approvals.

28-19-304. Construction permits and approvals; fees.

An application for an approval or a permit shall not be reviewed until the department has received an application fee pursuant to the requirements of this regulation.

(a) The fee for each construction approval application shall be $750.00.

(b) The fee for each construction permit application shall be determined according to the following source categories:

(1) $4,000 for each of the following:

(A) Aircraft manufacturing;

(B) cellulosic organic fiber manufacturing;

(C) chemical manufacturing, except ethanol manufacturing;

(D) electric power generation with total plantwide capacity at least 100 megawatts;

(E) fiberglass insulation manufacturing;

(F) foundries;

(G) glass and glass product manufacturing;

(H) hazardous waste and medical waste incinerators;

(I) pesticide, fertilizer, and other agricultural chemical manufacturing;

(J) petroleum refineries;

(K) portland cement manufacturing;

(L) sulfuric and nitric acid manufacturing; and

(M) tire manufacturing;

(2) $2,000 for each of the following:

(A) Agriculture, construction, and mining machinery manufacturing;

(B) aircraft engine or parts manufacturing;

(C) animal slaughtering and processing;

(D) ethanol manufacturing, including distilleries;

(E) fabricated metal product manufacturing;

(F) grain and oilseed milling, including oil extraction;

(G) lime and gypsum product manufacturing;

(H) motor vehicle manufacturing, including vehicle body, truck trailer, and camper manufacturing;

(I) paint, coating, and adhesive manufacturing;

(J) pipeline transportation of refined petroleum, crude oil, and natural gas;

(K) printing and related support activities;

(L) rubber product manufacturing, except tire manufacturing;

(M) ship and boat building;

(N) soap and cleaning compound manufacturing;

(O) solid waste landfills; and

(P) storage battery manufacturing; and

(3) $1,000 for each of the following:

(A) Each source category listed in paragraph (b)(1) that is not a major source, as defined in K.A.R. 28-19-200;

(B) air curtain combustors;

(C) animal crematory services;

(D) animal food manufacturing;

(E) asphalt paving mixture and block manufacturing;

(F) crude petroleum and natural gas extraction;

(G) electric power generation with total plantwide capacity less than 100 megawatts;

(H) food manufacturing;

(I) grain elevators;

(J) hog and pig farming;

(K) nonmetallic mineral mining and quarrying;

(L) plastics product manufacturing, including fiberglass products; and

(M) ready-mix concrete manufacturing.

(c) The fee for each construction permit application for any source category not listed in subsection (b) shall be $1,000.

(d)(1) The construction permit application fees in subsections (b) and (c) shall not apply if the proposed construction or modification is also subject to review and permitting requirements under K.A.R. 28-19-16 through 28-19-16m, pertaining to nonattainment area requirements, or K.A.R. 28-19-350, pertaining to prevention of significant deterioration. Instead, the fees shall be as follows:

(A) For each application for new permit, $10,000; or

(B) for each application for modification of an existing permit, $10,000 if the modification includes any of the following:

(i) A new best available control technology (BACT) analysis or a modification of an existing BACT analysis;

(ii) a review of emissions or net emissions calculations; or

(iii) the addition of a new unit subject to BACT; and

(C) for each application for modification of an existing permit not specified in paragraph (d)(1)(B), $3,000.

(2) In addition to the construction permit application fee requirements of paragraphs (d)(1)(A) and (B), the following fees shall apply:

(A) For each refined modeling analysis, $8,000;

(B) for each revision to application, $5,000; and

(C) for each revision to modeling, $4,000.

(e) Each fee, which shall be nonrefundable, shall be remitted in the form of a check, draft, credit card payment, or money order made payable to the Kansas department of health and environment. Receipt of any type of payment that is not covered by sufficient funds shall be cause for the denial of the construction permit or approval.
(Authorized by K.S.A. 2016 Supp. 65-3005; implementing K.S.A. 2016 Supp. 65-3008; effective Jan. 23, 1995; amended Nov. 18, 2016.)

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