

Kansas Administrative Regulations

Department of Health and Environment

Article 65.—Emergency Planning and Right-to-Know

28-65-4. Fees.

(a) Except as provided in subsection (d), each owner or operator of a facility required to report under section 312 of the federal act and K.A.R. 28-65-3 shall pay an annual report fee based upon the sum of the maximum daily reportable quantities of extremely hazardous substances or hazardous chemicals, or both, present at the facility as reported on the Kansas tier II form. These fees shall be calculated on forms provided by the department using the tables in paragraphs (c)(1) and (c)(2) as appropriate. The fees required under this subsection shall be submitted to the department before March 1 of each year at the time of submission of the Kansas tier II form.

(b) Each owner or operator of a facility required to file the toxic chemical release form required under section 313 of the federal act and K.A.R. 28-65-3 shall pay an annual report fee based upon the total quantity of chemicals released as reported on the federal form R. These fees shall be calculated on forms provided by the department using table 3 in paragraph (c)(4). The fees required under this subsection shall be submitted to the department before July 1 of each year at the time of submission of the federal form R.

(c)(1) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form required under subsection (a) shall be determined using table 1 as follows:

Table 1

Sum of the maximum daily amounts of all extremely hazardous substances reported (pounds)	Annual fee
1 - 9,999	\$25
10,000 - 999,999	\$50

1,000,000 or greater \$150

(2) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form required under subsection (a) shall be determined using table 2 as follows:

Table 2

Sum of the maximum daily amounts of all hazardous chemicals reported (pounds)	Annual fee
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(3) For the purposes of this subsection, the term "hazardous chemical" shall not include any extremely hazardous substances or sand, gravel, clay, salt, or brine or other comparable substances as approved by the department in the calculation of fees.

(4) Fees payable under subsection (b) on the total quantity of chemicals released reported on the federal form R shall be determined as follows:

Table 3

Sum of the total chemical releases reported (pounds)	Annual fee
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(d) Each owner or operator of an oil or gas well that is required to report under section 312 of the federal act and K.A.R. 28-65-3 shall pay an annual fee of \$25. For the purposes of this subsection, the term "well" shall have the meaning specified in K.S.A. 55-150, and amendments thereto. The fee required under this subsection shall be

submitted to the department before March 1 of each year at the time of submission of the Kansas tier II form.

(e) All fees shall be remitted by check, draft, or money order payable to the department and shall be nonrefundable. Any owner or operator may make an aggregate payment covering more than one facility by a single check, draft, or money order if a statement that indicates each individual facility name, address, and the amount of the fee for which payment is made accompanies each aggregate payment.

(f) An owner or operator of a facility subject to this article of the department's regulations shall not be charged a fee for chemical information submitted on a voluntary basis beyond that required under K.A.R. 28-65-3 if the optional nature of the information is clearly marked in the appropriate box on the Kansas tier II form.

(Authorized by and implementing K.S.A. 65-5704; effective Nov. 22, 1993; amended Nov. 28, 1994; amended March 26, 2021.)

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