

28-31-10. Hazardous waste monitoring fees. Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Fee requirement. Each of the following persons shall pay an annual monitoring fee to the department according to the requirements of subsections (b) through (e):

- (1) Each owner or operator of a hazardous waste treatment, storage, or disposal facility;
- (2) each hazardous waste transporter; and
- (3) each hazardous waste generator.

(b) Hazardous waste treatment, storage, or disposal facilities. The owner or operator of each facility shall pay the annual monitoring fee before January 1 of each year.

(1) The fee for each active facility shall be based on the following schedule:

(A) On-site storage facility	\$ 7,500	<u>\$10,000</u>
(B) Off-site storage facility	\$ 8,000	<u>\$10,000</u>
(C) On-site nonthermal treatment facility	\$ 7,500	<u>\$10,000</u>
(D) Off-site nonthermal treatment facility	\$ 8,000	<u>\$12,000</u>
(E) On-site thermal treatment facility	\$ 8,000	<u>\$12,000</u>
(F) Off-site thermal treatment facility	\$12,000	<u>\$18,000</u>
(G) Incinerator facility		<u>\$12,000</u>
(H) On-site landfill or underground injection well	\$10,000	<u>\$14,000</u>
(H) (<u>H</u>) Off-site landfill or underground injection well	\$15,000	<u>\$18,000</u>

(2) The fee for each facility subject to postclosure care shall apply upon receipt by the department of the certification of closure specified in 40 CFR 264.115 or 40 CFR 265.115. This fee shall be ~~\$10,000~~ \$14,000.

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(3) The owner or operator of each facility conducting more than one of the hazardous waste activities specified in paragraphs (a) (b)(1) and (2) shall pay a single fee. This fee shall be in the amount specified for the activity having the highest fee of those conducted.

(c) Hazardous waste transporters. Each hazardous waste transporter shall pay the annual monitoring fee when the transporter registers with the department in accordance with K.A.R. 28-31-6, and before January 1 of each subsequent year. This fee shall be ~~\$300~~ \$200.

(d) Hazardous waste generators.

(1) Each large quantity generator shall pay the annual monitoring fee before March 1 of each year.

(A) The fee shall be based on all hazardous waste generated during the previous calendar year according to the following schedule:

Total Yearly Quantity Generated	Monitoring Fee
Less than or equal to 5 tons	\$250 <u>\$300</u>
Greater than 5 tons but less than or equal to 50 tons.....	\$750 <u>\$900</u>
Greater than 50 tons but less than or equal to 500 tons.....	\$2,500 <u>\$2,800</u>
Greater than 500 tons.....	\$7,500 <u>\$8,000</u>

(B) Each large quantity generator that reclaims hazardous waste on-site to recover substantial amounts of energy or materials shall be exempt from payment of monitoring fees for the amount of hazardous waste reclaimed. This exemption shall not apply to hazardous waste residues produced during reclamation.

(2) Each small quantity generator and each Kansas small quantity generator shall pay the annual monitoring fee of ~~\$100~~ \$150 before April 1 of each year.

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(e) Monitoring fee payments. Each monitoring fee payment that is made by check or money order shall be made payable to the "hazardous waste management fund - Kansas department of health and environment."

This regulation shall be effective on and after July 1, 2012. (Authorized by and implementing K.S.A. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-85-2, Jan. 13, 1984; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended, T-87-49, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended April 25, 1994; amended March 22, 1996; amended June 4, 1999; amended Sept. 20, 2002; amended Oct. 29, 2004; amended April 29, 2011; amended P-_____.)

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