

**K.A.R. 28-19-517**

**Class I Operating Permits; Annual Emission Inventory and Fees.**

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

(a) Annual emissions inventory.

(1) Each owner or operator shall submit to the department an annual emissions inventory for each stationary source for the year preceding the calendar year in which the source 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 fee.

(1) Each owner or operator shall submit to the department an annual emissions fee based on the annual emissions inventory determined under subsection (a). Annual emissions fees shall be the greater of the following:

(A) \$1,000.00; or

(B) \$53.00 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;

(iv) volatile organic compounds (VOCs); and

(v) hazardous air pollutants (HAPs), excluding HAPs already accounted for as VOCs or PM10.

(2) Each owner or operator shall make annual emissions fee payments by check, bank draft, credit card, or money order payable to the Kansas department of health and environment.

(c) Submittal.

(1) Each annual emissions inventory determined under subsection (a) and each annual emissions fee determined under subsection (b) shall be submitted on forms provided by the department, using either of the following:

(A) An electronic inventory submission; or

(B) a paper inventory submission, including a fee of \$250.00 for each paper inventory submittal and \$10.00 for each single sided page.

(2) Each submission 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.

(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 fee payment. 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 fee 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 fee 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. 2017 Supp. 65-3005 and 65-3024; implementing K.S.A. 65-3007 and K.S.A. 2017 Supp. 65-3024; effective Jan. 23, 1995; amended Feb. 20, 1998; amended Sept. 23, 2005; amended Nov. 5, 2010; amended Jan. 5, 2018.)

K.A.R. 28-19-517

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Kansas (g)  
FRM: 84 FR 6338 (2/27/19), eff. date April 29, 2019.  
PRM: 83 FR 65115 (12/19/18)  
State Submission: 1/22/18  
State Effective Date: 1/5/18  
APDB File: KS-115 (eff. 3/29/19)  
Description: This revision incorporates new emissions fee language applicable to only sources required to submit an annual emissions inventory pursuant to K.A.R. 28-19-517; increases the emission fee from current rate of \$37.00 per ton to \$53.00 per ton; establishes a base annual emission fee of \$1,000; establishes the operation for an electronic submittal or paper submittal with associated fee, and amends language concerning late fees, refunds, and credits to encourage timely submission and discourage inaccurate reporting. The new language added to K.A.R. 28-19-517 parallels the revoked language in K.A.R. 28-19-202. The language was added as K.A.R. 28-19-517(a), (b), and (d). With the addition of the new language that paralleled K.A.R. 28-19-202, sections formerly part of K.A.R. 28-19-517(a) and (b) have been revised and re-numbered as K.A.R. 28-19-517(c)(1) and (2).

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CFR: 40 C.F.R. 70, Appendix A, Kansas (c)  
FRM: 79 FR 4274 (1/27/14), Correction 81 FR 1890 (1/14/16) effective 1/14/16  
PRM: 79 FR 4313 (1/27/14)  
State Submission: 5/17/11  
State Effective Date: 11/5/10  
APDB File: KS-95 KS-96 (effective 3/28/14) (correction effective 1/14/16).  
Description: This revision aligns the states reporting requirements with EPA's reporting requirements. Specifically the due date of Emissions Inventory Questionnaire is changed to April 1; minimum thresholds for assessing emission fees for class 1 stationary sources is removed; late fee structure is modified; and the emissions fee in paragraph (c) is increased to \$37 per ton.

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CFR: 40 C.F.R. 70, Appendix A, Kansas (d)  
FRM: 73 FR 7468 (02/08/2008)  
PRM: 75 FR 7504 (02/08/2008)  
State Submission: 03/08/2006  
State Effective Date: 9/23/2005  
APDB File: KS-80; EPA-R07-OAR-2007-0829  
Description: This revision clarifies that if June 1 falls on a weekend or holiday, the deadline for submission will be the next business day.

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CFR: 40 C.F.R. 70, Appendix A, Kansas (b)  
FRM: 68 FR 46489 (08/06/2003)  
PRM: 68 FR 46538 (08/06/2003)  
State Submission: 06/25/2001  
State Effective Date: 02/28/1998  
APDB File: KS-48  
Description: This revision changed the due date of the annual emission inventory from April 1 to June 1.

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CFR: 40 C.F.R. 70, Appendix A, Kansas (a)  
FRM: 61 FR 2938 (1/30/96)  
PRM: 60 FR 34493 (7/3/95)  
State Submission: 12/12/94  
State Effective Date: 1/23/95  
APDB File: KS-37  
Description: EPA fully approved the operating permits program submitted by the state of Kansas for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and certain other sources. EPA also approved, under section 112(l), the states program for accepting delegation of section 112 standards to enforce air toxics regulations.

Difference Between the State and EPA-Approved Regulation

None.