

K.A.R. 28-19-304 CONSTRUCTION PERMITS AND APPROVALS; FEES

(a) An application for an approval or a permit to construct or modify an emissions unit or stationary source shall not be reviewed until the department has received an application fee that has been determined pursuant to the requirements of this regulation.

(b) Construction permit application fees shall be determined as follows.

(1) The base fee shall be in the amount of 0.05% of the estimated capital cost of the activity for which application is made.

(A) The applicant shall provide a certified estimate of the capital cost of the activity with the application unless the fee is determined under the provisions of subsection (3) of this regulation.

(B) A minimum fee of \$100.00 shall be charged when the estimated capital cost is less than \$200,000.00 and a maximum fee of \$4,000.00 shall be charged when the estimated capital cost is more than \$8,000,000.00.

(2) If the proposed construction or modification is subject to review and approval under the provisions of K.A.R. 28-19-16 through 28-19-16m, pertaining to nonattainment area requirements, or K.A.R. 28-19-17 through 28-19-17q, pertaining to prevention of significant deterioration, there shall be an additional fee of \$1,500.00 added to the fee established by paragraph (c)(1) of this regulation.

(3) If no estimate of the capital cost of the activity is included with the application, a base fee of \$4,000.00 shall be paid.

(4) The estimated capital cost of the activity means the estimated total cost of equipment and services that would normally be capitalized according to generally accepted accounting procedures. Certification of the estimated capital cost of the activity may be evaluated during the review period. If the department determines that the certified capital cost is not correct, the department shall either recover an adjusted fee based upon the correct cost or deny the permit.

(c) The non-refundable fee shall be remitted in the form of a check or money order made payable to the Kansas department of health and environment. Receipt of any check for the fee that is not covered by sufficient funds shall be cause for the denial of the construction permit or approval. (Authorized by K.S.A. 1993 Supp. 65-3005; implementing K.S.A. 1993 Supp. 65-3008; effective Jan. 23, 1995.)

K.A.R. 28-19-304

EPA Rulemakings

CFR: 40 C.F.R. 52.870(c)(30)(i)(B)
FRM: 60 FR 36361 (7/17/95)
PRM: 60 FR 36377 (7/17/95)
State Submission: 2/17/95
State Effective Date: 1/23/95
APDB File: KS-39
Description: This revision adopted this new rule to establish the procedures applicable to the issuance of permits and approvals to construct or modify new air sources.

Difference Between the State and EPA-Approved Regulation

None.