

401 KAR 47:090. Solid waste permit fees.

RELATES TO: KRS 224.10, 224.40, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.10-100(20), 224.10-220, EO 2008-507, 2008-531

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(20) authorizes the cabinet to establish by administrative regulation a schedule of fees for the cost of processing permit applications. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation establishes a schedule of fees for solid waste permit applications.

Section 1. Applicability. The provisions of this administrative regulation shall apply to a person required to apply for a solid waste site or facility permit, permit renewal, or modification, except for persons applying for publicly-owned facilities.

Section 2. Permit Application Review Fee. A person required to apply for a solid waste site or facility permit shall include, with the application, a check or money order made payable to Kentucky State Treasurer for the filing fee based on the following tables:

Table I - Disposal Facility Application Fees

Application Type	Reference	Technical Review Time	Application Fee
Contained or construction/demolition debris landfill notice of intent to apply	401 KAR 47:170	30 working days	\$2,500
Residual landfill notice of intent to apply	401 KAR 47:170	30 working days	\$2,000
Landfill administrative application	401 KAR 47:180	60 working days	\$10,000
Contained landfill technical application	401 KAR 47:190	90 working days	\$25,000
Contained landfill construction progress report	KRS 224.40-310	10 calendar days	\$6,000
Construction/demolition debris landfill technical application	401 KAR 47:190	90 working days	\$15,000
Construction/demolition debris landfill construction progress report	KRS 224.40-310	10 calendar days	\$4,500
Residual landfill technical application	401 KAR 47:170	90 working days	\$12,000
Residual landfill construction progress report	KRS 224.40-310	10 calendar days	\$3,500

Vertical expansion, less than 2 years additional capacity	401 KAR 47:130	180 calendar days	\$3,000
Groundwater monitoring well, closure, and engineering feature construction progress report	KRS 224.40-310	90 calendar days	\$3,000
Vertical expansion, greater than 2 years additional capacity	401 KAR 47:130	180 calendar days	\$6,000
Landfill minor modification application	401 KAR 47:130	180 calendar days	\$2,500
Liner reduction or variance request	KRS 224.40-310 or 401 KAR 30:020	180 calendar days	\$6,000
Add or delete source for a contained landfill or construction/demolition debris landfill	401 KAR 47:130	180 calendar days	\$3,000
Construction permit, only, 5 year renewal	KRS 224.40-310	180 calendar days	\$4,000
New or major modification to an incinerator or waste-to-energy permit	KRS 224.40-310	90 calendar days	\$20,000
Incinerator, waste-to-energy, or nonlandfill liner solid waste construction progress report	KRS 224.40-310	90 calendar days	\$3,000

Table II - Registered Permit-by-Rule Application Fees

New or Modification Application Type	Reference	Technical Review Time	Application Fee
New or modification to a transfer station or convenience center	401 KAR 47:110	90 calendar days	\$2,500
New or modification to a less-than-one acre construction/demolition debris landfill	401 KAR 47:110	90 calendar days	\$4,500
New or modification to a compost facility	401 KAR 47:110	90 calendar days	\$3,000
New or modification to a Class I landfarm facility	401 KAR 47:110	90 calendar days	\$4,000

Table III - Application Fees for Other Types of Facilities

New or Modification Application Type	Reference	Technical Review Time	Application Fee
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New, substantial expansion, or major modification to a Class II landfarm facility	401 KAR 48:200	180 calendar days	\$17,000
Class II landfarm facility permit minor modification	401 KAR 47:130	180 calendar days	\$5,000
New or modification to a research, demonstration and development permit	401 KAR 47:150	180 calendar days	\$7,000
Emergency permit	401 KAR 47:150	90 calendar days	\$600
Beneficial reuse determination	401 KAR 47:150	90 calendar days	\$750

Table IV - Facility Ownership Fees

New or Modification Application Type	Reference	Technical Review Time	Application Fee
Name or ownership change, only	401 KAR 47:130	180 calendar days	\$500
Bond revision, only	401 KAR 48:310	90 calendar days	\$250

Section 3. Failure To Submit Fee.

- (1) If the applicant fails to submit the fee established in Section 2 of this administrative regulation during the administrative completeness review established in 401 KAR 47:025, Section 3, the cabinet shall deny the permit application.
- (2) If the applicant for a new landfill or horizontal expansion of an existing landfill fails to submit the fee established in Section 2 of this administrative regulation during the technical review period established in KRS 224.40-310(10), the cabinet shall deny the permit application.

Section 4. Refunds.

- (1) Except as provided in subsection (2) of this section, if the technical review time (TRT) of a permit application by the cabinet exceeds the TRT listed in Section 2 of this administrative regulation established pursuant to KRS 224.40-310(10)(a), (b), or (c) or 401 KAR 47:025, Section 3, the owner or operator shall receive the refund of the application fee listed in Section 2 of this administrative regulation pursuant to KRS 224.10-220(3).
- (2) Exceptions to subsection (1) of this section shall include:
 - (a) An order of agreement allowed pursuant to KRS 224.40-310(10)(e); or
 - (b) The agreement allowed by 401 KAR 47:025, Section 3(2).

Section 5. Annual Permit Renewal Fee.

- (1) The owner or operator shall submit the amount of the annual permit renewal fee by the due date established for the type of facility pursuant to Table V of this administrative regulation.
- (2)
 - (a) The owner or operator shall submit the fee with Annual Solid Waste Permit Renewal Fee, DEP 7119, May 2009.
 - (b) If the owner or operator fails to submit the annual permit renewal fee required by Table V, the cabinet shall suspend the permit until the payment is received.

(c) If more than one (1) type of permitted facility is located on one (1) site, the owner or operator shall submit 100 percent of the fee for the facility handling or disposing of the most waste in the previous calendar year and fifty (50) percent of the fee for the other types of facilities.

TABLE V - Annual Permit Renewal Fee

Permit type	Due date for fee	Annual fee
Contained landfill	December 31	\$7,500
Construction/demolition debris landfill	December 31	\$5,000
Residual landfill	December 31	\$3,000
Incinerator or waste-to-energy	December 31	\$1,000
Transfer station or convenience center	March 31	\$1,000
Less-than-one acre construction/demolition debris landfill receiving 5,000 or more tons of waste per year	September 30	\$3,000
Less-than-one (1) acre construction/demolition debris landfill receiving more than 1,000 tons of waste per year and less than 5,000 tons of waste per year	September 30	\$1,500
Less-than-one (1) acre construction/demolition debris landfill receiving 1,000 or less tons of waste per year	September 30	\$500
Compost facility	December 31	\$500
Class I landfarming facility	December 31	\$500
Class II landfarming facility	December 31	\$1,000
Research, demonstration and development permit	December 31	\$1,000

(3)

(a) Beginning January 1, 2011, all facilities operating under a registered-permit-by-rule; a Class II landfarming permit; or a research, demonstration and development (RDD) permit shall pay the annual permit fee listed in Table V.

(b) All other solid waste disposal facilities for which an annual permit renewal fee is listed in Table V shall begin paying the annual permit renewal fee upon expiration of a permit with an effective date prior to September 1, 2010.

Section 6. Incorporation by Reference.

(1) "Annual Solid Waste Permit Renewal Fee", DEP 7119, November 2016, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained from the division's Web site at eec.ky.gov/environmental-protection/waste.

(16 Ky.R. 1732; 2182; eff. 5-8-1990; 36 Ky.R. 620; 37 Ky.R. 53; eff. 8-5-2010; TAm eff. 7-8-2016; TAm eff. 12-21-2016; Crt eff. 10-9-2018; TAm eff. 5-7-2019.)