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

CERTIFICATION STATEMENT:

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:

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| Table I - Disposal Facility Application Fees |
| Application Type | Reference | TechnicalReview 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 |

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| Table II - Registered Permit-by-Rule Application Fees |
| New or Modification Application Type | Reference | TechnicalReview 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 |

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| Table III - Application Fees for Other Types of Facilities |
| New or Modification Application Type | Reference | TechnicalReview Time | Application Fee |
| 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 |

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| Table IV - Facility Ownership Fees |
| New or Modification Application Type | Reference | TechnicalReview 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.

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| 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 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.)