

SOLID WASTE PENALTY MATRIX
Bureau of Waste Management

Prepared by the
 Compliance and Enforcement Unit
 Revised March 17, 2014

Kansas Statutes Annotated (K.S.A.) 65-3419 authorizes the Director of the Division Environment to impose a civil penalty not to exceed \$5,000 per day per violation for each violation of K.S.A. 65-3409 and amendments thereto. This penalty matrix has been compiled to provide guidance to the KDHE staff when assessing monetary penalties. The matrix provides penalty ranges; however, upon sufficient justification KDHE may impose the maximum penalty allowed by the statutes or a lesser amount than shown in any penalty range. KDHE may exercise discretion to reduce the penalty amount set by the penalty matrix for multiple occurrences of the same violation if all available facts demonstrate the potential that the cited violation(s) will cause a threat to public health or the environment is minimal relative to the deterrent effect of the penalty; *and* the incidents that support the violation are minor or few in number. This penalty matrix is not intended to include all possible violations or maximum number of offenses that may occur. The penalty amounts may be adjusted as necessary to ensure that each penalty reflects an actual and substantial economic deterrent to the violation and the economic benefit realized through the violation for which it is assessed.

Category A - Unpermitted individuals or businesses not related to solid waste processing, transportation, or disposal industries that have not been previously penalized.

Category B - Permitted facilities as well as unpermitted facilities related to solid waste processing, transportation, or disposal industries that have not been previously penalized. Tire Retailers cited for tire-related violations shall be considered in Category B or C.

Category C - Permitted facilities as well as unpermitted facilities related to solid waste processing, transportation, or disposal industries not meeting one of the other two criteria, or whose violations are severe enough to warrant higher penalties.

PENALTY MATRIX NUMBER	SOLID WASTE VIOLATIONS	KDHE REGULATORY CITATION	CATEGORY
1	Unlawful acts including: a. Illegal disposal (open dumping); b. Construction, alteration or operation of a solid waste processing or disposal facility or act as a waste tire transporter or mobile waste tire processor (KSA 65-3424) without a permit; c. Burn solid waste in violation of the provisions of the Kansas Air Quality act; d. Store, collect, transport, process, treat or dispose of solid waste contrary to the rules and regulations, standards or orders of the secretary or in such a manner as to create a public nuisance; e. Refuse or hinder an inspection; f. Violations of K.S.A. 65-3424a and 65-3424b or K.S.A. 65-3424i and amendments thereto.	K.S.A. 65-3409	Use appropriate attachment for guidance or use the following range: Category A \$400 to \$2,500
2	Failure to comply with the solid waste storage requirements.	K.A.R. 28-29-21	Category A \$200 to \$500

3	Failure to comply with the incinerator and composting requirements (not pertaining to composting or incinerating as a business).	K.A.R. 28-29-25	Category A \$200 to \$500
4	Failure to comply with the medical services waste requirements.	K.A.R. 28-29-27	Category A \$200 to \$500
5	Failure to comply with the standard for Waste Tire Management.	K.A.R. 28-29-28 through 33	Category A \$200 to \$500
6	Failure to comply with the requirements for the solid waste management committee or plans.	K.A.R. 28-29-76 to 28-29-82	Category A \$200 to \$500
7	Unlawful acts including: <ol style="list-style-type: none"> a. Illegal disposal (open dumping); b. Construction, alteration or operation of a solid waste processing or disposal facility or act as a waste tire transporter or mobile waste tire processor (KSA 65-3424) without a permit; c. Burn solid waste in violation of the provisions of the Kansas Air Quality act; d. Store, collect, transport, process, treat or dispose of solid waste contrary to the rules and regulations, standards or orders of the secretary or in such a manner as to create a public nuisance; e. Refuse or hinder an inspection, sampling, and the examination or copying of records related to the purpose of this act by an agent or employee of the secretary; f. Violations of K.S.A. 65-3424a and 65-3424b or K.S.A. 65-3424i and amendments thereto; g. Dividing a permitted solid waste disposal area into two or more sections; h. Violating any condition of a permit issued under K.S.A. 65-3407 or K.S.A. 65-3424b and amendments thereto. 	K.S.A. 65-3409	Use appropriate attachment for guidance or use the following range: Category B \$1,000 to \$2,500 Category C \$2,000 to \$5,000
8	Failure to comply with requirements for permits and engineering plans; public notice of permit actions, public comment period, and public hearings; conditions of permits; modifying permits; suspension of permits; denial or revocation of permits; notification of closure, closure plans, and long term care; monitoring requirements; and restrictive covenants and easements.	K.A.R. 28-29-6 K.A.R. 28-29-6a K.A.R. 28-29-7 K.A.R. 28-29-8 K.A.R. 28-29-9 K.A.R. 28-29-10 K.A.R. 28-29-12 K.A.R. 28-29-19 K.A.R. 28-29-20	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
9	Failure to comply with the standards for collection and transportation of solid waste.	K.A.R. 28-29-22	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
10	Failure to comply with any solid waste standard or requirement not otherwise specified in this penalty matrix.		Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

11	Failure to design facility according to department requirements or to abide by location restriction requirements.	K.A.R. 28-29-23(c) K.A.R. 28-29-23a(b) K.A.R. 28-29-25a(a) K.A.R. 28-29-25b(a) K.A.R. 28-29-25c(a) K.A.R. 28-29-25d(a) K.A.R. 28-29-25e(a) K.A.R. 28-29-25f(a) K.A.R. 28-29-102 K.A.R. 28-29-104(a) K.A.R. 28-29-304	Category B \$1,500 to \$2,500 Category C \$2,500 to \$5,000
12	Failure to comply with liner standards and liner construction requirements.	K.A.R. 28-29-104(e) K.A.R. 28-29-104(f)	Category B \$1,500 to \$2,500 Category C \$2,500 to \$5,000
13	Accepting or offering special waste for disposal without prior department approval.	K.A.R. 28-29-23a(c)(2) K.A.R. 28-29-23(s) K.A.R. 28-29-108(r)(13)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
14	Failure to maintain a log and map of special wastes that includes the source and quantity of waste and the disposal location.	K.A.R. 28-29-23(r) K.A.R. 28-29-108(r)(12)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
15	Failure to construct or maintain access roads for all-weather accessibility and negotiation at all times.	K.A.R. 28-29-23(e) K.A.R. 28-29-108(r)(10) K.A.R. 28-29-304(c)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

16	Failure to prepare, maintain, or submit required records, plans (including operating plans, daily logs, tonnage reports, training records, permits, annual reports, contingency plans, financial assurance, cost estimates, small landfill exemption demonstrations, etc), registrations, fees, or permit applications or renewals.	K.A.R. 28-29-23(f) K.A.R. 28-29-23a(c)(18) K.A.R. 28-29-23a(c)(19) K.A.R. 28-29-23a(c)(20) K.A.R. 28-29-23a(c)(21)(B) K.A.R. 28-29-25a(d) K.A.R. 28-29-25b(d) K.A.R. 28-29-25c(d) K.A.R. 28-29-25c(e) K.A.R. 28-29-25d(d) K.A.R. 28-29-25d(e) K.A.R. 28-29-25e(d) K.A.R. 28-29-25e(e) K.A.R. 28-29-25f(d) K.A.R. 28-29-25f(e) K.A.R. 28-29-30 K.A.R. 28-29-31a(a) K.A.R. 28-29-31a(c) K.A.R. 28-29-32 K.A.R. 28-29-33(b) K.A.R. 28-29-108(q) K.A.R. 28-29-308(i) K.A.R. 28-29-308(j) K.A.R. 28-29-308(p) K.A.R. 28-29-308(q)	Category B \$1,000 to \$2,500 Category C \$2,000 to \$5,000 (Plus any required fees, as applicable)
17	Failure by a transfer station to develop and implement procedures for preventing the receipt of unauthorized waste.	K.A.R. 28-29-23a(c)(8)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
18	Failure by any operator to comply with applicable provisions of K.S.A. 65-3001 et seq., regulations pertaining to those statutes, or any local air quality regulation.	K.A.R. 28-29-23(g) K.A.R. 28-29-308(b)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
19	Failure to provide two-way communication.	K.A.R. 28-29-23(h) K.A.R. 28-29-308(n)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
20	Failure to make arrangements with fire protection services or to make alternate arrangements if public services are not available. Also, failure to initiate or continue appropriate fire fighting methods until all smoldering, smoking, and burning ceases, or to cover and re-grade all disrupted finished grades or completed surfaces upon the completion of fire fighting activities.	K.A.R. 28-29-23(i) K.A.R. 28-29-108(r)(6) K.A.R. 28-29-308(c)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
21	Failure by a transfer station to maintain required fire protection equipment.	K.A.R. 28-29-23a(c)(17)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

22	Failure to limit access to hours when an attendant or operating personnel are at the site, or to have an attendant on duty whenever the facility is open to the public, or to limit access to prevent unauthorized dumping.	K.A.R. 28-29-23(j) K.A.R. 28-29-23a(c)(5) K.A.R. 28-29-23a(c)(7) K.A.R. 28-29-25a(a)(2)(B) K.A.R. 28-29-25b(a)(2)(B) K.A.R. 28-29-25c(a)(2)(B) K.A.R. 28-29-25c(b)(4) K.A.R. 28-29-25d(a)(2)(B) K.A.R. 28-29-25d(b)(7) K.A.R. 28-29-25e(a)(2)(B) K.A.R. 28-29-25e(b)(6) K.A.R. 28-29-25f(a)(2)(B) K.A.R. 28-29-25f(b)(6) K.A.R. 28-29-31a(b)(1) K.A.R. 28-29-31a(b)(3) K.A.R. 28-29-108(i)(1) K.A.R. 28-29-108(r)(11) K.A.R. 28-29-308(e)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
23	Failure to post hours of operation, and other required information at the entrance to the area or facility.	K.A.R. 28-29-23(k) K.A.R. 28-29-23a(c)(4) K.A.R. 28-29-25a(a)(2)(A) K.A.R. 28-29-25b(a)(2)(A) K.A.R. 28-29-25c(a)(2)(A) K.A.R. 28-29-25d(a)(2)(A) K.A.R. 28-29-25e(a)(2)(A) K.A.R. 28-29-25f(a)(2)(A) K.A.R. 28-29-31a(b)(2) K.A.R. 28-29-108(i)(2) K.A.R. 28-29-304(b)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
24	Failure to follow salvaging requirements, or failure to prevent scavenging.	K.A.R. 28-29-23(l) K.A.R. 28-29-108(p) K.A.R. 28-29-308(l) K.A.R. 28-29-308(m)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
25	Failure to develop, provide or follow the approved operational safety program or training program.	K.A.R. 28-29-23(m) K.A.R. 28-29-23a(c)(21)(A) K.A.R. 28-29-108(r)(9) K.A.R. 28-29-308(o)	Category B \$1,000 to \$2,500 Category C \$2,000 to \$5,000

26	Failure to operate in a manner that will prevent the harborage of breeding of insects or rodents, or to promptly implement supplemental disease vector control measures when necessary.	K.A.R. 28-29-23(n) K.A.R. 28-29-23a(c)(10) K.A.R. 28-29-25a(b)(2) K.A.R. 28-29-25b(b)(2) K.A.R. 28-29-25c(b)(2) K.A.R. 28-29-25d(b)(2) K.A.R. 28-29-25e(b)(2) K.A.R. 28-29-25f(b)(2) K.A.R. 28-29-108(d)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
27	Failure to control odor, noise, and particulates, including dust and litter, and have other controls in place or meet other operating standards as required by regulations.	K.A.R. 28-29-23(o) K.A.R. 28-29-23a(c)(9) K.A.R. 28-29-23a(c)(14) K.A.R. 28-29-25a(b) K.A.R. 28-29-25b(b) K.A.R. 28-29-25c(b) K.A.R. 28-29-25d(b) K.A.R. 28-29-25e(b) K.A.R. 28-29-25f(b) K.A.R. 28-29-108(r)(4) K.A.R. 28-29-108(r)(5) K.A.R. 28-29-108(r)(7) K.A.R. 28-29-108(r)(8) K.A.R. 28-29-308(a)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
28	Failure to implement a gas monitoring program if required by regulation, or to prevent the off-site migration of explosive gasses generated by the decomposition of solid waste, allow the exceedance of 25% of the LEL in on-site structures or at the facility's property line, or to notify the department as required by regulation.	K.A.R. 28-29-23(p) K.A.R. 28-29-108(e)	Category B \$1,000 to \$2,500 Category C \$2,000 to \$5,000
29	Failure to meet the gas management standards or the standards for gas processing and disposal systems.	K.A.R. 28-29-108(f)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
30	Failure to evaluate or meet the requirements of the gas processing and disposal systems.	K.A.R. 28-29-108(g)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
31	Failure by an MSWLF to meet the air criteria.	K.A.R. 28-29-108(h)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

32	Failure to prevent nonpoint source pollution discharges, discharges of fill or dredge material, prevent pollution or degradation of groundwater with the potential or actual use as drinking water, or to other specified quality, or the disposal of solid waste into unconfined waters, or the discharge of pollutants into the waters of the state.	K.A.R. 28-29-23(q) K.A.R. 28-29-25a(a)(1)(B) K.A.R. 28-29-25b(a)(1)(B) K.A.R. 28-29-25c(a)(1)(B) K.A.R. 28-29-25d(a)(1)(B) K.A.R. 28-29-25e(a)(1)(B) K.A.R. 28-29-25f(a)(1)(B) K.A.R. 28-29-108(j)(4) K.A.R. 28-29-108(j)(5) K.A.R. 28-29-308(d)(4)	Category B \$1,500 to \$2,500 Category C \$2,500 to \$5,000
33	Failure to: <ul style="list-style-type: none"> a. have appropriate stormwater/surface water controls in place as required by regulation, including the proper grading to prevent ponding of water, maintaining ditches and berms to correctly direct stormwater and to minimize and prevent erosion, and to repair erosion channels as necessary; b. provide run-on or run-off controls. 	K.A.R. 28-29-25a(a)(1)(A) K.A.R. 28-29-25b(a)(1)(A) K.A.R. 28-29-25b(a)(1)(C) K.A.R. 28-29-25c(a)(1)(A) K.A.R. 28-29-25c(a)(1)(D) K.A.R. 28-29-25d(a)(1)(A) K.A.R. 28-29-25d(a)(1)(D) K.A.R. 28-29-25e(a)(1)(A) K.A.R. 28-29-25e(a)(1)(D) K.A.R. 28-29-25f(a)(1)(A) K.A.R. 28-29-25f(a)(1)(D) K.A.R. 28-29-108(j)(1) K.A.R. 28-29-108(j)(2) K.A.R. 28-29-108(j)(3) K.A.R. 28-29-308(d)(1) K.A.R. 28-29-308(d)(2) K.A.R. 28-29-308(d)(3)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
34	Failure to appropriately clean a transfer station.	K.A.R. 28-29-23a(c)(11) K.A.R. 28-29-23a(c)(13)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
35	Failure to properly manage drainage from the wet cleaning of a transfer station.	K.A.R. 28-29-23a(c)(12)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
36	Failure to load solid waste into a transfer vehicle within one day of receiving it at a transfer station.	K.A.R. 28-29-23a(c)(15)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
37	Failure to remove transfer vehicle(s) from the transfer station site within 48 hours after being filled to capacity or within 7 days of being partially filled.	K.A.R. 28-29-23a(c)(16)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
38	Unauthorized waste in a construction and demolition landfill. Failure to comply with the waste screening requirements.	K.A.R. 28-29-308(f)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

39	Failure to remove finished compost within 18 months of completion of composting process	K.A.R. 28-29-25a(b)(3) K.A.R. 28-29-25b(b)(6) K.A.R. 28-29-25c(b)(6) K.A.R. 28-29-25d(b)(8) K.A.R. 28-29-25e(b)(9) K.A.R. 28-29-25f(b)(10)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
40	Failure to meet closure requirements and post-closure requirements.	K.A.R. 28-29-25a(c) K.A.R. 28-29-25b(c) K.A.R. 28-29-25c(c) K.A.R. 28-29-25d(c) K.A.R. 28-29-25e(c) K.A.R. 28-29-25f(c) K.A.R. 28-29-31(f) K.A.R. 28-29-31a(d) K.A.R. 28-29-121 K.A.R. 28-29-321	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
41	Failure to properly manage leachate.	K.A.R. 28-29-25c(a)(1)(C) K.A.R. 28-29-25d(a)(1)(C) K.A.R. 28-29-25e(a)(1)(C) K.A.R. 28-29-25f(a)(1)(C) K.A.R. 28-29-104(g) K.A.R. 28-29-104(h) K.A.R. 28-29-104(i)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
42	Failure to meet the requirements for survey controls.	K.A.R. 28-29-108(l)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
43	Failure to meet the requirements for special waste.	K.A.R. 28-29-109	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
44	Failure to comply with the medical services waste requirements.	K.A.R. 28-29-27	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
45	Failure to comply with the waste tire processing and disposal standards or the beneficial use of waste tires standards.	K.A.R. 28-29-29 K.A.R. 28-29-29a	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
46	Failure to remove pyrolytic oil and contaminated soil from a tire fire released into the environment sufficient to meet all regulatory requirements.	K.A.R. 28-29-31(e)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
47	Failure to display current waste tire transporter permit issued by KDHE as required.	K.A.R. 28-29-33(a)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

48	Failure to comply with financial assurance requirements or insurance requirements.	K.A.R. 28-29-30(d)(1)(C) K.A.R. 28-29-30(d)(2)(B) K.A.R. 28-29-32(c)(3) K.A.R. 28-29-2101 K.A.R. 28-29-2102 K.A.R. 28-29-2103 K.A.R. 28-29-2104 K.A.R. 28-29-2105 K.A.R. 28-29-2106 K.A.R. 28-29-2107 K.A.R. 28-29-2108 K.A.R. 28-29-2109 K.A.R. 28-29-2110 K.A.R. 28-29-2111 K.A.R. 28-29-2112 K.A.R. 28-29-2113 K.A.R. 28-29-2201	Category B \$1,500 to \$2,500 Category C \$2,500 to \$5,000
49	Failure to conduct or document random inspections of incoming loads, train employees to conduct these inspections, or to notify KDHE as required if hazardous waste or PCBs are found.	K.A.R. 28-29-108(a)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
50	Failure to provide and maintain adequate daily cover.	K.A.R. 28-29-108(b)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
51	Failure to provide and maintain adequate intermediate cover.	K.A.R. 28-29-108(c)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
52	Failure by a C&D landfill to provide and maintain adequate cover.	K.A.R. 28-29-308(k)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
53	Failure to comply with the liquids restrictions.	K.A.R. 28-29-108(k)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
54	Failure to deposit waste in the smallest practical area, and at the lowest practical part of the active face (or as directed in operational plan). Also failure to compact waste to the highest achievable density as required by regulation.	K.A.R. 28-29-108(m) K.A.R. 28-29-308(g) K.A.R. 28-29-308(h)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
55	Failure to meet the requirements for phasing of landfill operations.	K.A.R. 28-29-108(n) K.A.R. 28-29-304(f)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
56	Working face too large and/or slopes too steep.	K.A.R. 28-29-108(o)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
57	Failure to have and maintain adequate equipment, utilities, systems and related appurtenances, to remain in compliance with regulations.	K.A.R. 28-29-108(r)(1) K.A.R. 28-29-108(r)(2) K.A.R. 28-29-108(r)(3)	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000

58	Failure to comply with groundwater monitoring requirements.	K.A.R. 28-29-111 K.A.R. 28-29-112 K.A.R. 28-29-113	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
59	Failure to comply with the requirements for Corrective Action.	K.A.R. 28-29-114	Category B \$500 to \$2,500 Category C \$1,000 to \$5,000
60	Failure to comply with the Standards for Waste Tire Management.	K.A.R. 28-29-28 through 33	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
61	Failure to establish used tire value.	K.A.R. 28-29-28a(a)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
62	Failure to maintain used tire sales records.	K.A.R. 28-29-28a(c)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
63	Failure to control mosquito breeding and other disease vectors.	K.A.R. 28-29-29b	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
64	Failure to receive other beneficial use approval in writing by KDHE.	K.A.R. 28-29-29a(2)(G)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
65	Failure to store tires outside by ricking, storing in racks, and/or storing on treads..	K.A.R. 28-29-31(b)(2)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
66	Failure to limit the size of the storage area to no larger than the allowed dimensions.	K.A.R. 28-29-31(b)(3)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
67	Failure to locate storage area at least 60 feet from building.	K.A.R. 28-29-31(c)(1)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
68	Failure to provide access for fire-fighting equipment	K.A.R. 28-29-31(c)(2)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
69	Failure to prohibit all activities involving open flames, etc. within 25 feet of storage area.	K.A.R. 28-29-31(c)(3)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
70	Failure to maintain vegetation within 100 feet of storage area.	K.A.R. 28-29-31(c)(4)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
71	Failure to develop a 50-foot wide fire lane around perimeter of each storage area.	K.A.R. 28-29-31(c)(2)(A)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
72	Failure to display educational materials at the facility.	K.S.A. 65-3424i(c)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
73	Failure to use a permitted tire transporter and/or maintain records of transactions for at least three years.	K.S.A. 65-3424b(c)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
74	Failure to transfer ownership of waste tires only to a person who has a permit, intends to use tires for a beneficial use, or is a tire retailer.	K.S.A. 65-3424a(b)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000
75	Failure to maintain receipts from permitted tire transporter.	K.S.A. 65-3424b(c)	Category B \$300 to \$2,500 Category C \$1,000 to \$5,000

ADJUSTMENT FACTORS:

Multi-day violations can be calculated in two ways:

- A. Increase total penalty by 5% - 20%.
- B. Apply a multiplier of 5% to 20% to the base penalty amount and multiply the product by the number of days that the violation occurred, up to a maximum of 180 days.

Note:

The Kansas Statutes Annotated does not give KDHE authority to penalize for the following common violations cited to tire retailers. This list is not to be considered complete, and is only included for convenience because these are commonly cited violations:

- K.S.A. 65-3424a(a) Maintaining an illegal waste tire accumulation.
- K.S.A. 65-3424b(e)(9)(B) Failure to transport fewer than five waste tires for lawful disposal
- K.S.A. 65-3424b(e) Operating a waste tire collection center, waste tire processing facility, mobile waste tire processor, or waste tire transporter, without a permit.
- K.S.A. 65-3424d Failure to provide proof of payment of \$.25 tire excise tax.

**ATTACHMENT A
UNLAWFUL DISPOSAL OF SOLID WASTE AND/OR OPEN BURNING OF SOLID WASTE ASSESSMENT**

Type of Waste	C&D waste (inert waste with little chance of blowing and/or contamination of surface water, air, or groundwater)	MSW (potential vectors, odor problems, air and/or surface water issues)		Any type of solid waste with a potential to cause contamination of surface water, air, groundwater and/or serious nuisance conditions	
	1	2	3-5		
Amount of Waste	< 2 tons	2 to 10 tons	>10 up to 100 tons	> 100 tons	
	1	2-3	4-5	6-8	
Location of Disposal	Property owned by the individual or business doing the dumping, or on property owned by someone else but with that owner's permission	Wrong type of landfill		Property owned by someone else without their permission	
	1	2-3	4-5		
BASE AMOUNT		1st Offense	2nd Offense	3rd Offense	
Individual, not related to business activity		\$200*	\$500	\$800	
Individual and/or business as part of a business activity (roofing company, rental homes, etc.)		\$400	\$1,000	\$2,500	
Solid waste company whose primary business is transporting and disposing of solid waste		\$1,000	\$2,500	\$4,000	
POINTS FOR DUMPING		POINTS FOR BURNING			
Type of Waste		Type of Waste			
Amount of Waste		Amount of Waste			
Location of Disposal		Location of Disposal			
Total Points	0	Total Points	0		
Base Amount					

(Total Points for Dumping x \$50) + (Total Points for Burning x \$50) + Base Amount = Total Penalty

Total Penalty = \$0.00

*Individuals who clean-up their dumped waste when directed by the district office will not typically receive a penalty if the dumping occurred on their own property or on someone else's property with permission. If the waste was not cleaned up, the penalty should be calculated and held in abeyance pending clean-up and assessed only if clean-up is not achieved as directed.

Note: If the waste has not been cleaned up, all orders and letters should include direction to clean-up the waste and to submit receipts documenting proper disposal. Each individual should also be directed to cease and desist from any further dumping.

