

Kansas Department of Health and Environment
Division of Environment Policy

Related to

Permit Renewal Fees For Generator Owned/Operated
Industrial Waste Landfills

May 23, 2002

This KDHE policy describes the process used to determine annual permit renewal fees for landfills which are located at industrial facilities and used only for the disposal of industrial waste generated by the on-site facilities.

Background

The Kansas Legislature, in the 2002 Session, passed House Bill 2686, concerning solid waste and relating to certain industrial waste. A major component of HB 2686 was the revision of Kansas Statutes Annotated (K.S.A.) 65-3407, which deals with permits to construct, alter, or operate solid waste processing facilities and solid waste disposal areas. Specifically, HB 2686 amended K.S.A. 65-3407(e) to include the following language:

(2) The annual permit renewal fee for a solid waste disposal area which is permitted by the secretary, owned and operated by the facility generating the waste and used only for industrial waste generated by such facility shall be not less than \$1,000 nor more than \$4,000. In establishing fees for such disposal areas, the secretary shall adopt a differential fee schedule based upon the characteristics of the disposal area sites.

These changes to the statutes became effective upon publication in the Kansas Register on May 23, 2002. It was the intent of the Kansas Legislature to implement the revised fee schedule immediately upon publication rather than wait for incorporating a new fee schedule into administrative regulations which could take 6 to 12 months. Therefore, the secretary of KDHE has adopted this policy to serve as a fee schedule for the affected facilities until such time as the Kansas Administrative Regulations can be amended to reflect the statutory directive.

The characteristics of solid waste disposal areas, along with operational practices and the number and types of violations, influence the amount of regulatory oversight required and the amount of money expended by the department to carry out that oversight. Those sites that dispose of waste which is susceptible to leaching hazardous constituents, that have had a history of past violations, that dispose of large quantities of waste, or that have already impacted the groundwater require more oversight than small sites disposing of inert wastes only. Likewise, those sites with complicated site characteristics or requiring complex liner systems necessitate more involved engineering and hydrogeological review.

Policy Decision

This policy establishes the following four fee levels for the annual renewal of industrial landfill permits:

Fee Level I (\$1,000) - Meets both of the following criteria:

1. Disposes of only inert wastes which will not leach hazardous constituents; and
2. Disposes of less than twenty (20) tons per day, calculated on a yearly average.

Fee Level II (\$2,000) - Meets both of the following criteria:

1. Disposes of only inert wastes which will not leach hazardous constituents; and
2. Disposes of twenty (20) to one hundred (100) tons per day, calculated on a yearly average.

Fee Level III (\$3,000) - Meets one or more of the following criteria:

1. Disposes of wastes which have the potential to leach hazardous constituents requiring a groundwater monitoring system;
2. Is located in a setting which requires a groundwater monitoring system due to combined concerns related to a shallow depth to groundwater, the geological conditions which underlie the landfill, and the sensitivity or value of the underlying groundwater resource;
3. Disposes of more than one hundred (100) tons per day, calculated on a yearly average, or requires a composite liner system;

Fee Level IV (\$4,000) - Meets the following criteria:

1. Has documented groundwater or surface water contamination resulting from landfill activities;

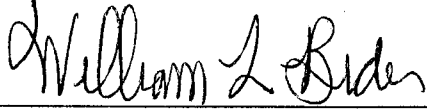
The Bureau of Waste Management will calculate the appropriate fee for each industrial waste landfill based upon relevant permit information, waste characteristics, groundwater and/or surface water monitoring results, site hydrogeological data, and quarterly tonnage reports. Notice of the appropriate fee will be included in the permit reminder letter, which is sent to each permittee sixty days prior to the permit renewal date. The permit renewal fee shall be remitted with the renewal application by the facility.

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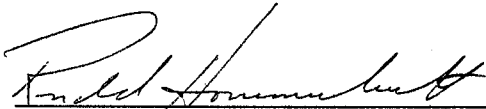
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William L. Bider
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5-23-02

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