

2018 Kansas Statutes

65-5704. Duties of secretary of health and environment; rules and regulations; fees, limitations; Kansas right-to-know fee fund. (a) The secretary of health and environment shall:

- (1) Receive, process and manage hazardous chemical information required to be submitted and notifications required to be given pursuant to the federal act;
- (2) establish a list of Kansas reportable chemicals which shall also be subject to the requirements of sections 311 and 312 of the federal act;
- (3) designate threshold planning quantities and reportable quantities for any chemical designated for listing as reportable in Kansas. For purposes of reporting in Kansas, the secretary may establish more stringent reporting thresholds for those chemicals required to be reported under the federal act. Chemicals shall be designated and reporting thresholds established after public notice and hearing, based upon concern for the hazards such chemicals may represent in Kansas; and
- (4) adopt such rules and regulations as necessary to implement the provisions of the federal act and the secretary's duties under this section, including provisions for protection of trade secrets and for public disclosure of information consistent with sections 322, 323 and 324 of the federal act. Such rules and regulations may establish fees to cover all or part of the total cost of operation of the program. Such fees shall not exceed the maximum fees prescribed in subsection (b). The secretary shall reduce the fees by adopting rules and regulations under this section whenever the secretary determines that the fees are yielding more revenue than is necessary for the purposes described in K.S.A. 65-5732(b), and amendments thereto. The secretary may increase the fees by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purposes described in K.S.A. 65-5732(b), and amendments thereto, except that the fees shall not be increased in excess of the total cost of operation of the program.

(b) (1) The maximum fees allowable under this section shall be determined as follows:

(A) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all extremely hazardous substances reported (pounds) Annual Fee

1 - 9,999 \$25
10,000 - 999,999 \$50
1,000,000 or greater \$150

(B) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all hazardous chemicals reported (pounds) Annual Fee

10,000 - 99,999 \$25
100,000 - 999,999 \$50
1,000,000 - 9,999,999 \$150
10,000,000 or greater \$300

(C) Fees payable on the total quantity of chemicals released reported on the federal form R shall be:

Sum of the total chemical releases reported (pounds) Annual Fee

100 - 19,999 \$250
20,000 - 99,999 \$700
100,000 - 999,999 \$1,700
1,000,000 or greater \$3,000

(D) Each owner or operator subject to the fees prescribed in this section shall not be assessed an annual report fee in total greater than \$3,000 during any single report year, excluding late fees.

(2) The secretary shall remit all moneys received from fees collected pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the Kansas right-to-know fee fund.

History: L. 1987, ch. 231, § 4; L. 1991, ch. 202, § 2; L. 2018, ch. 82, § 2; July 1.