

HOUSE BILL No. 2894

By Committee on Appropriations

2-14

9 AN ACT concerning the secretary of the department of health and en-
10 vironment; duties and powers in issuing approvals and permits; amend-
11 ing K.S.A. 65-3008 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-3008 is hereby amended to read as follows: 65-
15 3008. (a) No person shall construct, own, operate, install, alter or use
16 any air contaminant emission stationary source which, in accordance with
17 rules and regulations, the secretary finds may cause or contribute to air
18 pollution, unless an appropriate approval or permit has been issued for
19 the source by the secretary under this act. Approvals or permits issued
20 by the secretary may be subject to conditions consistent with the purposes
21 of this act and rules and regulations promulgated under this act.

22 (b) The secretary shall require that applications for approvals and
23 permits, and renewals thereof, under this act shall be accompanied by
24 application fees and such plans, specifications, compliance plans or other
25 information as the secretary deems necessary. Applications shall be sub-
26 mitted on forms provided by the secretary and shall be signed by a re-
27 sponsible official of the source, who shall certify the accuracy of the in-
28 formation submitted.

29 (c) The issuance or holding of an approval or permit shall not convey
30 any property right or exclusive privilege to the holder thereof.

31 (d) Without any further action on the part of the secretary, an ap-
32 proval or a permit shall become void and without effect on its expiration
33 date unless a completed application form and any required fee are filed
34 with the secretary on or before the expiration date of the approval or the
35 permit. For purposes of this subsection, the secretary may specify by rule
36 and regulation an amount of time prior to the expiration date of an op-
37 erating permit by which a complete application form and any required
38 fee must be filed with the secretary in order to be considered timely filed.
39 The secretary may provide for a grace period by rule and regulation.

40 (e) The secretary may issue by rule and regulation a general approval
41 or permit covering numerous similar sources. Any general approval or
42 permit shall comply with all requirements applicable to approvals or per-
43 mits under this act. Any source covered by a general approval or permit

1 must apply to the secretary and receive authority to operate under the
2 general approval or permit.

3 (f) The secretary may fix, charge and collect fees for approvals and
4 permits, and the renewal thereof, to cover all or any part of the cost of
5 administering the provisions of Kansas air quality act, other than K.S.A.
6 65-3027, *and amendments thereto*. The secretary shall adopt rules and
7 regulations fixing such fees. The fees shall be deposited in the state treas-
8 ury and credited to the state general fund, except that if all or any portion
9 of the regulatory services for which a fee is collected under this section
10 is performed by a county, city-county or multicounty health department,
11 that portion of such fee which pertains to such services, as determined
12 by the secretary, shall be credited to the local air quality control authority
13 regulation services fund, which is hereby created in the state treasury,
14 and shall be paid from such fund to such local air quality control authority.

15 (g) *In determining an application for renewal of any permit for an*
16 *electric generation facility, the secretary shall consider and apply the same*
17 *standards and criteria that the secretary considered in denying the permit*
18 *for the coal power plants in Holcomb, KS.*

19 Sec. 2. K.S.A. 65-3008 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the statute book.