

2012 Kansas Statutes

65-3486. Same; application for permit required, contents; application fee; investigation and inspection by secretary. (a) No person shall construct, modify or operate a PCB disposal facility or otherwise dispose of PCB within this state without a permit from the secretary. The application for a permit shall contain:

- (1) The name and address of the applicant;
- (2) the location of the proposed facility;
- (3) the management program for the operation of the facility, including the person to be responsible for the operation of the facility and a resume of the person's qualifications, the proposed method of disposal, the proposed method of pretreatment or decontamination of the facility, if any, and the proposed emergency measures to be provided at the facility;
- (4) the name, address and short resume for each officer, director or partner of the company and any party owning more than 10% of its stock or ownership interest for any company which will either own or operate the facility and copies of the company's annual financial report for the three years preceding the date of the application;
- (5) a description of the size and type of facility to be constructed, including the height and type of fencing to be used, the size and construction of structures or buildings, warning signs, notices and alarms to be used, the type of drainage and waste treatment facilities and maximum capacity of such facilities, the location and source of each water supply to be used and the location and type of fire control facilities to be provided at the facility;
- (6) a preliminary engineering sketch and flow chart showing proposed plans and specifications for the construction and development of the disposal facility and the waste treatment and water supply facilities, if any, to be used at the facility;
- (7) a geologist's survey report indicating land formation, location of water resources and direction of the flows thereof and the geologist's opinion relating to the potential of contamination of water resources including, but not limited to, possible sources of such contamination;
- (8) the names and addresses of the applicant's current or proposed insurance carriers, including copies of insurance policies then in effect; and
- (9) any other information considered necessary by the secretary.

(b) For initial review of an application for a PCB disposal facility, the applicant shall submit an application fee not to exceed \$25,000 with the permit application. After the initial review of a permit application, the secretary shall determine the cost of such review. If the cost is less than the application fee required by this subsection, the secretary shall refund to the applicant the amount which exceeds the cost of review. In cases of a permitted facility submitting an application for the construction and operation of an additional facility on the permitted site, the permit fee shall not exceed \$10,000. For renewal of a permit, the permit holder shall submit a permit renewal fee not to exceed \$10,000, the amount of which shall be determined by the secretary.

(c) Before reviewing any application for permit, the secretary shall conduct a background investigation of the applicant. The secretary shall consider the financial, technical and management capabilities of the applicant as conditions for issuance of a permit. The secretary may reject the application without conducting an investigation into the merits of the application if the secretary finds that:

- (1) The applicant previously held a permit under this section and that permit was revoked by the secretary; or
- (2) the applicant failed or continues to fail to comply with any of the provisions of the air, water or waste statutes, including rules and regulations issued thereunder, relating to environmental protection or to the protection of public health in this or any other state or the federal government of the United States, or any condition of any permit or license issued by the secretary; or if the secretary finds that the applicant has shown a lack of ability or intention to comply with any provision of any law referred to in this subsection or any rule, regulation, order or permit issued pursuant to any such law as indicated by past or continuing violations. In case of a corporate applicant, the secretary may deny the issuance of a permit if the secretary finds that the applicant or any person who holds an interest in, or exercises total or partial control of or does business with the applicant or a principal of the corporation was a principal of another corporation which would not be eligible to receive a permit because of the provisions of this act.

(d) Upon receipt of a permit application meeting the requirements of this section, the secretary or an authorized representative of the secretary shall inspect the location of the proposed facility and determine if the same complies with this act and the rules and regulations promulgated under this act. An inspection report shall be filed in writing by the secretary before issuing a permit and shall be made available for public review.

History: L. 1986, ch. 226, § 7; May 8.