

**39E.050 Fees -- Trust and agency accounts -- Administrative regulations.**

- (1) The commission shall institute a fee system to assist in the administration of its programs and activities at both state and local levels.
- (2)
  - (a) Any facility required to report under the provisions of this chapter shall annually submit to the commission the required fee of forty dollars (\$40) no later than March 1. This paragraph shall not apply to facilities that pay a fee pursuant to paragraph (b) of this subsection.
  - (b) Any facility required to report under the provisions of this chapter and which meets any of the following standards shall annually submit to the commission the required fee of two hundred fifty dollars (\$250) no later than March 1:
    1. The facility has any of the extremely hazardous substances identified in 40 C.F.R. Part 355, as amended;
    2. The facility has eleven (11) or more hazardous substances as defined in KRS 39E.020; or
    3. The facility has a total inventory of hazardous substances as defined in KRS 39E.020 of over four hundred ninety-nine thousand nine hundred ninety-nine (499,999) pounds.
  - (c) If the same owner or owners own two (2) or more facilities in a single county and all of the facilities are required to submit fees pursuant to paragraph (a) of this subsection, the fees due from the owner or owners shall not exceed a total of two hundred fifty dollars (\$250) for all those facilities in that county.
  - (d) The provisions of this subsection shall not apply to a facility owned or operated by local, state, or federal government.
- (3) The funds derived from the fee system shall be placed in a trust and agency account, which shall be known as the "Kentucky Emergency Response Commission Fee Account," and which shall not lapse. The funds in the account shall be expended only for the purpose specified in subsection (1) of this section.
- (4) The commission shall promulgate administrative regulations to implement the provisions of this section, for issuance by the Division of Emergency Management.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 226, sec. 62, effective July 15, 1998.