

1 AN ACT relating to fees for air quality.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 224.20-050 is amended to read as follows:

- 4 (1) The cabinet, or an air pollution control district created pursuant to KRS Chapters 77
5 and 224, may promulgate regulations adopting fees for the cost of administering the
6 air quality program authorized by this chapter, as mandated under~~[Title V of]~~ the
7 Clean Air Act Amendments of 1990 (Public Law 101-549, as amended). Any
8 person who fails to pay a~~[an emission]~~ fee as required by the administrative
9 regulations adopted pursuant to this section shall pay an additional fee equal to fifty
10 percent (50%) of the~~[emission]~~ fee amount, plus interest on the~~[emission]~~ fee
11 amount computed in accordance with Section 6621(a)(2) of the Internal Revenue
12 Code of 1986 (Public Law 99-499, as amended, relating to computation of interest
13 on underpayment of federal taxes).
- 14 (2) The cabinet may~~[continue to]~~ use the~~[operating]~~ fee structure~~[based on emissions
15 which has been]~~ implemented by administrative regulations to generate funds to
16 finance the cabinet's air quality~~[operating permit]~~ program. The cabinet's~~[
17 emissions]~~ fee structure shall not generate moneys in excess of the amount
18 authorized in the enacted budget bill.
- 19 (3) The emissions fees shall be~~[uniformly]~~ assessed on each permitted source of
20 regulated air pollutants emitted in the preceding year.~~[For purposes of fee
21 assessments, PM 10 shall be the regulated air pollutant for particulate matter. For
22 the purposes of determining these fees, the cabinet shall assess as a PM 10 factor
23 one-half (1/2) that of the corresponding total suspended particulates factor for haul
24 roads and yard areas until the PM 10 emissions factor is approved by the cabinet;]~~
- 25 (4) Moneys generated by a~~[an emissions]~~ fee structure shall be deposited into a separate
26 and distinct interest-bearing account and invested in accordance with administrative
27 regulations promulgated by the State Investment Commission pursuant to KRS

1 42.525. Moneys not expended at the end of a fiscal year shall be carried forward to
2 the next fiscal year. Any available balance shall be credited against the *emissions*
3 fee required in the succeeding fiscal year, and shall be credited to each source
4 according to the proportion of the total of all emission fees which were paid by that
5 source in a timely manner.