What is the Kentucky Tier II Reporting Fee Schedule?

Reporting Dates
Tier II reporting is required each year between January 1st and March 1st. Submissions filed after the March 1st deadline will be classified as late and, per KRS 39E.990, may be assessed a civil penalty and/or fined a minimum of $250. Each day upon which the violation occurs shall be considered a separate violation, and a separate civil penalty may be imposed.

Starting in 2019, Kentucky WILL impose a single, one time, $250 late fee, per facility, for annual reporting. Any Facility that submits their Tier II Report after the March 1st deadline will be charged the $250 late fee.

Electronic Payment
All Kentucky facilities are required to file Tier II Reports and pay all associated fees electronically in accordance with the KERC’s annually published EPCRA “How to Comply Packet.” A processing fee will be charged automatically and included with the online payment submission.

Fees
Fees shall be payable in accordance with the schedule listed below, except the same owner or owners of two or more facilities in a single county, subject to paying a fee, shall pay a reporting fee not to exceed $250 for all those facilities in that county.

Facility “Category” Definitions- Annual Fee

Category One Facility - $0
Any facility owned or operated by a local, state, or federal government. Category one facilities are exempted from paying any fee in accordance with KRS 39E.050. This exemption applies solely to fees and does not exempt any category one facility from reporting requirements. Category one facilities are not exempted from late fees.

Category Two Facility - $40
Any facility that has not less than 10,000 pounds and not more than 499,999 pounds of each of 10 or fewer hazardous substances, with the combined total of all hazardous substances not exceeding 499,999 pounds.

Category Three Facility - $250
Any facility that has 10,000 pounds or more of each of 11 or more hazardous substances, with the combined total of all hazardous substances not exceeding 499,999 pounds.

Category Four Facility - $250
Any facility that has a total inventory of over 499,999 pounds of hazardous substances.

Category Five Facility - $250
Any facility that has an Extremely Hazardous Substance (EHS) listed in 40 CFR Part 355 as amended (EPA's list of Extremely Hazardous Substances) in excess of the Threshold Planning Quantity (TPQ) or 500 pounds whichever is less.