Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—General Requirements.

28-19-204. General provisions; permit issuance and modification; public participation.

(a) The public shall be provided the opportunity to participate in the permit development or modification process prior to issuance of a construction permit for an affected facility, a class I or class II operating permit, or a significant modification of a class I or class II operating permit.

(b) Prior to the issuance of a permit or permit modification which requires public participation or prior to any public hearing held pursuant to K.S.A. 1993 Supp. 65-3008a, a notice shall be placed in the Kansas Register and a newspaper of general circulation in the area where the facility is, or will be located.

(c) The notice shall:

(1) identify the facility which is the subject matter of the permit action, except in the case of a general permit;

(2) state the name and address of the owner or operator of the facility, except in the case of a general permit;

(3) state the address of the facility, except in the case of a general permit;

(4) describe the activity or activities involved in the permit action;

(5) describe the air emissions from any proposed new facility or involved in any permit modification;

(6) state the name, address and telephone number of a person from whom interested persons may obtain additional information which is not confidential, including:

(A) copies of the proposed permit or permit modification;

(B) the application;

(C) all relevant supporting materials including any monitoring and compliance certification and compliance plan; and

(D) all other materials available to the department that are relevant to the permitting decision;

(7) state the department's name and address;

(8) include a brief description of the procedures for submitting written comments including a date which is 30 or more days after the notice is first published by which comments shall be submitted to the department; and

(9) include a statement of the procedures to request a public hearing or specify the time and place of the public hearing if a public hearing has been scheduled. If a public hearing has been scheduled, notice of the hearing shall be published at least 30 or more days in advance of the hearing.

(d) The notice shall state that a copy of the proposed permit and all supporting documentation is available for public review at the department's central office and at the appropriate district office or local agency, and shall provide the name, address and telephone number of a contact person at the central office and at the appropriate district office or local agency.

(e) The notice may describe more than one permit action or public hearing.

(f) Written comments timely received by the department during the public comment period and written comments and oral testimony received during a public hearing shall become part of the permit record. All such written and oral comments which are relevant to the permit decision and which are within the jurisdiction established by the permit action shall be considered in making a final decision on the proposed permit action.

(g) A response to the comments shall be issued at the time any final permit decision is issued. The response to the comments shall be available to the public and shall:

(1) specify any changes made to the proposed permit as a result of any public comments; and

(2) briefly respond to any significant comments received during the public comment period or during the public hearing.

(h) Copies of the proposed permit, the application, all relevant supporting materials including any compliance plan and compliance certification, and all other materials available to the permitting authority that are relevant to the permitting decision shall, upon request, be furnished without charge to the USEPA and to any affected state. Any

other person requesting copies of such documentation shall pay a fee equal to that regularly charged by the department for copying documents unless some other provision of law provides otherwise.

(Authorized by K.S.A. 1993 Supp. 65-3005 and implementing K.S.A. 1993 Supp. 65-3008a; effective Jan. 23, 1995.)

***** Authenticated Kansas Administrative Regulation *****