Kansas Administrative Regulations

Department of Health and Environment

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

28-19-403. General permits; application to construct or operate pursuant to terms of general permit.

(a) Any person may apply to the department requesting authorization to construct or operate an emissions unit or stationary source pursuant to the terms of a general permit adopted by the secretary.

(b) The application shall be on forms provided or approved by the department.

(c) The application shall include, but not be limited to:

(1) information necessary to determine whether the emissions unit or stationary source qualifies for the general permit;

(2) a statement that the emissions unit or stationary source shall remain in compliance with all conditions, limitations and requirements of the general permit, and all other applicable requirements; and

(3) submission of the applicable application fee.

(d) The owner or operator of the emissions unit or stationary source shall provide such additional information as is requested by the department.

(e) The application shall be certified by a responsible official.

(f) The timely and complete submission of an application to construct or operate under the terms of a general permit adopted by the secretary shall be considered equivalent to the timely and complete filing of an application for the issuance of the appropriate construction or operating permit.

(g) The owner or operator of an emissions unit or stationary source which has been granted approval to construct or operate pursuant to a general permit shall not be shielded from enforcement action if it is subsequently determined that the emissions unit or stationary source did not qualify for the general permit.

(h) The grant or denial of an application to construct or operate under the terms of a general permit shall not be considered final agency action with regard to the terms of the general permit within the meaning of K.S.A. 77-601 through 77-627, the act for judicial review and civil enforcement of agency actions.

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

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