Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Class II Operating Permits.

28-19-541. Class II operating permits; application timetable and contents.

(a) Any stationary source that has been issued a construction permit with federally enforceable permit restrictions pursuant to K.A.R. 28-19-302(b), shall file a complete initial application for a class II operating permit in accordance with K.A.R. 28-19-518 subsections (b) through (e), within one year of commencing operations or within one year of the effective date of this regulation, whichever is later. Any other stationary source that seeks a class II operating permit or a class II operating permit-by-rule shall file a complete initial application in accordance with K.A.R. 28-19-518 no later than 180 days before the date by which the applicant seeks issuance of the permit.

(b) The initial application for any class II operating permit, including a permit-by-rule pursuant to K.A.R. 28-19-542, shall be in writing and on forms provided or approved by the department. Until the department issues a class II operating permit to the source, the potential-to-emit of that source shall not be considered to be reduced.

(c) An application for a class II operating permit, other than an application for a permit-by-rule pursuant to K.A.R. 28-19-542, shall be accompanied by:

(1) sufficient information for the department to determine the potential-to-emit of the stationary source;

(2) any air pollution control equipment maintenance plan required by the provisions of K.A.R. 28-19-501;

(3) any proposed operational restrictions which would reduce the potential-to-emit of the stationary source, including:

(A) specification of any proposed operating restrictions;

(B) proposed methods for quantifying such restrictions;

(C) proposed methods for monitoring such restrictions; and

(4) the appropriate application fee.

(d) The owner or operator of the source shall provide any additional information requested by the department.

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

(f) Any person who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the stationary source after the date a complete application was filed but prior to the solicitation of public comments regarding the proposed permit.

(g) A stationary source to which a class I operating permit has been issued shall not be eligible for a class II operating permit until the class I operating permit has expired. A stationary source that holds a class I operating permit and seeks a class II operating permit shall submit an application for a class II operating permit no later than 180 days prior to expiration of the class I permit.

(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 *****