Kansas Administrative Regulations

Department of Health and Environment

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

28-19-212. General provisions; approved test methods and emission compliance determination procedures.

(a) The following test methods shall be approved for demonstrating compliance or non-compliance with an appropriate emission standard or limitation:

(1) those test methods specified at 40 CFR part 60, appendix A, as in effect on July 1, 1993;

(2) those test methods specified at 40 CFR part 60, appendix B, as in effect on July 1, 1993;

(3) those test methods specified at 40 CFR part 60, appendix F, as in effect on July 1, 1993;

(4) those test methods specified at 40 CFR part 60, appendix J, as in effect on July 1, 1993;

(5) those test methods specified at 40 CFR part 61, appendix B, as in effect on July 1, 1993;

(6) those test methods specified at 40 CFR part 51, as in effect on July 1, 1993;

(7) those test methods specified at 40 CFR part 63, appendix A, as in effect on July 1, 1993;

(8) any alternative or miscellaneous test procedures currently approved by the USEPA and published in the federal register prior to the effective date of this regulation;

(9) ASTM D 1186-06.01—thickness of paints/ related coatings dry film thickness of non-magnetic coatings applied to a ferrous base, as in effect on July 1, 1994;

(10) ASTM D 1200-06.01—standard test method for determining the viscosity of paints and related coatings by the Ford viscosity cup test, as in effect on July 1, 1994;

(11) ASTM D 3794-06.01—standard test method for determining the viscosity of coil coatings by the Zahn cup method test, as in effect on July 1, 1994;

(12) ASTM D 1475-60—standard test method for determining the density of paint, varnish, lacquer and related products, as in effect on July 1, 1994;

(13) ASTM D 2369-81—standard test method for determining the volatile content of coatings using a one hour bake, as in effect on July 1, 1994;

(14) ASTM D 3792-79—standard test method for determining the water content of water reducible paint by direct injection into a gas chromatograph, as in effect on July 1, 1994;

(15) ASTM D 4017-81—standard test method for determining the water content in paints by the Karl Fischer titration method, as in effect on July 1, 1994;

(16) ASTM D-244-83—standard methods of testing emulsified asphalts, as in effect on July 1, 1994;

(17) ASTM D-323-82—vapor pressure of petroleum products (Reid method), as in effect on July 1, 1994;

(18) ASTM D-97-66—test for pour point of petroleum oils, as in effect on July 1, 1994;

(19) the procedures in 40 CFR, Part 80, Appendix D, as in effect on July 1, 1993, for the sampling of reid vapor pressure of gasoline to be used as a fuel for motor vehicles;

(20) the procedures in 40 CFR, Part 80, Appendix E, as in effect on July 1, 1993, for the testing of reid vapor pressure of gasoline to be used as a fuel for motor vehicles; and

(21) an alternate sampling or testing procedure approved by the department and developed or approved by the U.S. environmental protection agency as an equivalent or improved procedure.

(b) Notwithstanding any other provision of these regulations, data from continuous emission monitoring systems may be used for purposes of determining compliance with any emission limitation or standard only if:

(1) the emissions are from an affected source and the continuous emission monitoring system is subject to, and in compliance with, the requirements of 40 CFR part 75; or

(2) the continuous emission monitoring system is not subject to 40 CFR part 75 and:

(A) a written quality assurance and quality control plan is maintained by the owner or operator of the emission source;

(B) the plan includes the more stringent of either all recommendations of the manufacturer or manufacturers of the continuous emission monitoring system components or all applicable quality assurance and quality control requirements required by any state or federal regulation or air quality permit;

(C) the owner or operator maintains records demonstrating adherence to the quality assurance and quality control plan; and

(D) the quality assurance and quality control plan is reviewed and updated annually.

Data from a continuous emission monitoring system which satisfies the requirements of this subsection and which demonstrates compliance with the relevant emission limitation or standard, shall create a rebuttable presumption of compliance with the relevant emission limitation or standard.

(c) Notwithstanding any other provisions of these regulations, data which demonstrates non-compliance with an emission limitation or standard shall create a rebuttable presumption of noncompliance if the data is from continuous emission monitoring systems or any other sampling or monitoring protocols, and the systems or protocols are required by:

(1) any applicable requirement;

(2) any air quality regulation;

(3) any compliance plan;

(4) any order or consent agreement issued pursuant to the authorities specified in the Kansas air quality act;

(5) the provisions of any air quality construction or operating permit; or

(6) any other provision or authority of the Kansas air quality act or air quality regulation.

(d) Notwithstanding any other provision of this regulation, any credible evidence may be used for the purpose of establishing non-compliance with an emission limitation or standard.

(e) Notwithstanding any other provision of these regulations, the owner or operator is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certifications:

(1) an enhanced monitoring protocol approved by the department; or

(2) any other monitoring method approved for the source incorporated into any federally enforceable operating permit.

(Authorized by K.S.A. 1993 Supp. 65-3005; implementing K.S.A. 1993 Supp. 65-3007; effective Jan. 23, 1995.)

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