Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—National Emission Standards for Hazardous Air Pollutants (MACT).

28-19-753. Hazardous air pollutants; limitations applicable to sources for which the USEPA fails to meet certain deadlines.

(a) This regulation shall be applicable to a source only if the USEPA fails to promulgate an emission standard for the category or subcategory applicable to the source within the time-frame scheduled by the USEPA at 58 FR 63941, December 3, 1993.

(b) Within 18 months after the date the emission limitation was to be promulgated by the USEPA, the owner or operator of a major source to which the emission limitation would apply, shall file with the department an application to modify the operating permit of the major source. As part of the application to modify the operating permit, the owner or operator shall:

(1) determine the applicable emission limitation for the source pursuant to subsection (c) of this regulation;

(2) specify how the applicable emission limitation was determined;

(3) specify the manner in which the emissions unit or stationary source will meet the applicable emission limitation; and

(4) commit to test methods and procedures to demonstrate compliance with the applicable emission limitation.

(c) The applicable emission limitation shall be either:

(1) for stationary sources within a category or subcategory listed at 57 FR 31576, July 16, 1992, with 30 or more sources. The average emission limitation achieved by the best performing 12 percent of the existing sources, for which the administrator of the USEPA has emissions information, in such category or subcategory; or

(2) for stationary sources within a category or subcategory listed at 57 FR 31576, July 16, 1992, with fewer than 30 sources, the average emission limitation achieved by

the best performing 5 sources, for which the administrator of the USEPA has or could reasonably obtain emissions information, in such category or subcategory.

(d) If the USEPA promulgates an emission standard pursuant to section 112(d) of the federal clean air act that is applicable to the major source prior to the date on which a permit application is approved, the emission limitation in the operating permit shall reflect the promulgated standard rather than the emission limitation proposed in the application, provided that the source shall have the compliance period provided at section 112(i) of the federal clean air act.

(e) If, after a permit is issued approving the application to modify the major source filed pursuant to this regulation, the USEPA promulgates an emissions standard pursuant to section 112(d) of the federal clean air act that would be applicable to the major source in lieu of the emission limitation established in the permit, the operating permit of the major source shall be revised upon the next renewal to reflect the standard promulgated the USEPA. The renewed permit shall also provide the owner or operator of the major source a reasonable time to comply with the applicable standard promulgated by the USEPA, which shall be no longer than eight years after such standard is promulgated or eight years after the date on which the source is first required to comply with the emissions limitations established under this regulation, whichever is earlier.

(f) Each application for a permit modification under this regulation shall be:

(1) subject to the provisions of K.A.R. 28-19-518;

(2) submitted on forms provided or approved by the department; and

(3) considered significant permit modifications subject to the provisions of K.A.R. 28-19-513.

(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 *****