Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Opacity Restrictions.

28-19-650. Emissions opacity limits.

(a) Except as otherwise provided in K.A.R. 28-19-9, K.A.R. 28-19-11, or K.A.R. 28-19-31, in subsections (b) and (c) of this regulation, or in other applicable air quality regulations, opacity of visible air emissions from any emission unit shall not exceed the following limits:

(1) 40 percent opacity for any portable source existing on or before January 1, 1971;

(2) 40 percent opacity for any emission unit, other than a portable source, that existed on or before January 1, 1971 and that has not been relocated after January 1, 1971; and

(3) 20 percent opacity for any other emission unit.

(b) Special opacity limits, Wyandotte county. Air emissions within Wyandotte county from any processing of materials or other uses of the premises within the county shall not exceed 20 percent opacity.

(c) Exceptions. Air emissions opacity levels that exceed the specified limits in subsections (a) and (b) of this regulation shall not be considered a violation of this regulation if the owner or operator of the emission unit demonstrates to the satisfaction of the department that the opacity exceedence is due solely to the presence of uncombined water in the plume.

(d) Method. The determination of opacity of air emissions shall be made either by 40 C.F.R. Part 60, appendix A, method 9, as adopted in K.A.R. 28-19-720, or by another method approved in advance by the department.

(Authorized by K.S.A. 1997 Supp. 65-3005 and K.S.A. 1997 Supp. 65-3007; implementing K.S.A. 1997 Supp. 65-3005, K.S.A. 65-3006, and 65-3010; effective Jan. 29, 1999.)

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