Kansas Administrative Regulations

Department of Health and Environment

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

28-19-303. Construction permits and approvals; additional provisions; construction approvals.

(a) A construction approval shall not contain conditions that allow a source to avoid any requirement of the federal clean air act. Any person requesting an operational restriction that would result in avoidance of a federal requirement shall apply for and obtain a construction permit prior to the construction or modification of the relevant stationary source or emissions unit.

(b) If the potential-to-emit of the proposed construction or modification may cause or contribute to a violation of a national ambient air quality standard, a construction approval shall not be issued for the construction or modification of an emissions unit or stationary source. An application for a construction permit shall be required for the construction or modification.

(c) A construction approval issued pursuant to this regulation, regarding an emissions unit or stationary source which is subject to any requirement of the Kansas air quality act or the federal clean air act, shall contain provisions requiring operation of the emissions unit or stationary source in compliance with all requirements of the Kansas air quality act and the federal clean air act which are applicable to the emissions unit or stationary source.

(d) For purposes of the Kansas air quality act, an approval issued pursuant to this regulation shall be considered to be an approval to construct or modify an air contaminant emission stationary source.

(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 *****