Kansas Administrative Regulations

Department of Health and Environment

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

28-19-301. Construction permits and approvals; application and issuance.

(a) Application for a permit or approval to construct or modify a stationary source or emissions unit shall be made by the owner or operator on forms provided or approved by the department. The owner or operator may be required to furnish additional information to determine compliance with the Kansas air quality regulations.

(b) A construction permit shall not be issued to a source whose potential-to-emit equals or exceeds that specified at K.A.R. 28-19-500(a) or K.A.R. 28-19-500(b) without first satisfying the public participation requirements of K.A.R. 28-19-204.

(c) Each permit or approval issued for the construction or modification of a source shall become void if the construction or modification has not commenced within 18 months after permit issuance or if the activity required to complete the modification or construction has been discontinued for 18 months or more.

(d) No construction permit or approval shall be issued if the department determines that the air contaminant emissions from the source will interfere with the attainment or maintenance of any ambient air quality standard that has been established under the provisions of the federal clean air act, as amended, or under the provisions of state law.

(e) Each construction permit or approval that is issued may be conditioned upon compliance by the owner or operator with any special restrictions that are deemed necessary to insure compliance with these regulations or otherwise prevent air pollution.

(1) The restrictions may include, but need not be limited to, special requirements concerning methods of operation, emissions limitations or control procedures to be implemented.

(2) Each restriction shall be in writing as part of -or as an attachment to, the permit or approval.

(f) Each construction permit or approval that is issued may identify one or more air contaminant emission sources that are approved to be constructed, modified, used, or operated.

(1) The sources shall be located on the same premises, shall be under one ownership, and shall be considered as part of the same industrial grouping as determined by the department.

(2) The major industrial grouping shall be identified by using the industrial titles and descriptions provided in the "standard industrial classification manual 1987," as published by the U.S. government printing office, stock number 041-001-00314-2, which is adopted by reference.

(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 *****