Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Class II Operating Permits; Permit-By-Rule.

28-19-562. Class II operating permits; permit-by-rule; organic solvent evaporative sources.

(a) Definition. For the purposes of this regulation, "organic solvent evaporative source" shall mean each stationary source that meets both of the following conditions:

(1) The owner or operator of the stationary source purchases or uses materials that contain volatile organic compounds, hazardous air pollutants, or both, that are used in cleaning solvents, printing operations, adhesives, or surface coatings.

(2) The stationary source does not contain emission units, other than organic solvent evaporative sources, that, alone or in combination with all organic solvent evaporative sources, would require the owner or operator of the source to obtain a class I operating permit solely because of the source's potential-to-emit.

(b) Applicability. The requirements of this regulation shall apply to each organic solvent evaporative source for which the owner or operator elects to limit the source's purchase or use of materials during any consecutive 12-month period to meet all of the following criteria:

(1) The materials contain less than a total of 90 tons of volatile organic compounds.

(2) The materials contain less than a total of 22.5 tons of any combination of hazardous air pollutants.

(3) The materials contain less than a total of nine tons of each single hazardous air pollutant.

(c) Presumption. Each organic solvent evaporative source that uses, or for which the owner or operator purchases, in any consecutive 12-month period materials that contain less than a total of nine tons of volatile organic compounds or hazardous air pollutants, or both, shall be presumed to have a potential-to-emit of less than 100 tons of volatile

organic compounds per year, less than 25 tons of any combination of hazardous air pollutants per year, and less than 10 tons of a single hazardous air pollutant per year.

(d) Operating conditions. In lieu of obtaining a class I permit under K.A.R. 28-19-500 or a class II permit under K.A.R. 28-19-540, each owner or operator of any organic solvent evaporative source who elects to operate pursuant to this regulation and K.A.R. 28-19-542 shall meet all of the following requirements:

(1) Limit the purchase or use of materials that contain volatile organic compounds, hazardous air pollutants, or both, to the amounts specified in subsection (b) of this regulation;

(2) maintain records of the materials containing volatile organic compounds or hazardous air pollutants, or both, that were either purchased or used by the source, to demonstrate that the restrictions specified in subsection (b) of this regulation have not been exceeded;

(3) update the required records monthly, not later than the last day of the month following the month to which the records relate;

(4) retain the required records on-site for at least two years from the date of record, unless an alternative record storage location is authorized by the secretary in writing; and

(5) submit an annual emission report to the department as required in K.A.R. 28-19-546.

(e) Reporting required.

(1) Each owner or operator of an organic solvent evaporative source who has purchased or used materials containing volatile organic compounds or hazardous air pollutants, or both, shall report in writing to the department the amount of materials purchased or used during the previous four consecutive calendar quarters if, at the end of any calendar quarter, the actual amount of materials purchased or used by the source contain volatile organic compounds and hazardous air pollutants exceeding any of the following levels:

(A) A total of 76.5 or more tons of volatile organic compounds;

(B) a total of 19.1 or more tons of any combination of hazardous air pollutants; or

(C) a total of 7.7 or more tons of each single hazardous air pollutant.

(2) The actual amount purchased or used shall be reported in the units specified in subsection (b) of this regulation.

(3) The report shall be submitted to the department within 45 days of the last day of the last calendar quarter that is the subject of the reporting requirements of this subsection.

(f) Notice of exceedance required.

(1) If at any time an organic solvent evaporative source that the owner or operator has elected to operate pursuant to this regulation exceeds the operational limitations specified in subsection (b) of this regulation, the owner or operator shall notify the department in writing by mailing or delivering the notice on or before the first working day following discovery of the exceedance.

(2) Within 60 days of the discovery of the exceedance of any limitations of subsection (b) of this regulation, the owner or operator shall submit to the department a written compliance plan identifying those actions being taken and to be taken by the owner or operator to ensure future compliance with the applicable requirements or to otherwise bring the source into compliance with this regulation, any other applicable Kansas air quality regulations, and the Kansas air quality statutes.

(3) The owner or operator shall file an application for any required operating permit within 180 days of discovery of an exceedance of the provisions of subsection (b) of this regulation.

(4) Compliance with the requirements of this subsection shall not shield the owner or operator from any enforcement action for exceeding any applicable requirement or for other violations of the Kansas air quality act or regulations.

(5) The timeliness of the required notifications, compliance plan submittals, and applications shall be determined by the postmark, if submitted by mail.

(g) Other applicable requirements. Each source that the owner or operator elects to operate in accordance with this regulation shall continue to be subject to all other applicable requirements of the Kansas air quality statutes and regulations.

(Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3007 and 65-3008; effective Jan. 23, 1995; amended Feb. 20, 1998; amended Sept. 23, 2005.)

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