Kansas Administrative Regulations

Department of Health and Environment

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

28-19-518. Class I operating permits; complete applications.

(a) An application for the issuance, renewal or significant modification of a class I operating permit that is timely filed and deemed complete shall have the effect of allowing the emissions unit or stationary source to continue to operate in the same legal capacity as on the date the application is deemed complete until such time as final agency action is taken on the application or until such time as the application is subsequently deemed incomplete.

(b) An application for a class I or class II operating permit shall be deemed complete as of the date the application was submitted to the department if:

(1) the department determines that the information submitted by the applicant substantially complies with the requirements of K.A.R. 28-19-511 and notifies the applicant, in writing within 60 days after the application was submitted, that the application has been deemed complete;

(2) after an application has been deemed complete, the applicant submits additional information requested in writing by the department within the time-frame specified by the department or within 60 days of the date of the request if no time-frame is specified by the department; or

(3) the department fails to notify the applicant that the application is not complete within the time-frames specified in paragraphs (b)(1) and (b)(2) of this regulation.

(c) The department may request additional information from the applicant even though the department has previously deemed the application to be complete. Failure of the applicant to submit any additional information the department has requested in writing within the time-frame specified in the request, or within 60 days of the date of the request if no time-frame is specified, shall result in the application being deemed incomplete as of the date the requested information was to be submitted, even though

the application may have been deemed complete prior to the date the additional information was to be submitted to the department.

(d) For purposes of this regulation, a document shall be considered submitted to the department on the day it is physically delivered to the department or the date of the post mark if the document is mailed to the department.

(e) Any person who fails to submit any relevant facts or who has submitted incorrect information in an application for the issuance, renewal or significant modification of a class I operating permit shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the owner or operator shall submit to the department such additional information as is necessary to address any requirements that become applicable to the emissions unit or stationary source after the date a complete application was filed but prior to the date the permit is placed on public notice.

(Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3008; effective Jan. 23, 1995; amended Dec. 8, 1995.)

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