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.

28-19-561. Class II operating permits; permit-by-rule; reciprocating engines.

(a) Definition. For purposes of this regulation, "reciprocating engine stationary source" shall mean a source with one or more stationary reciprocating engines of any design or fuel type that does not contain other emission units that, alone or in combination with the reciprocating engines, would require the owner or operator of the source to obtain a class I operating permit solely because of its potential-to-emit. For purposes of this regulation, each reciprocating engine stationary source shall be presumed to operate without emission controls.

(b) Applicability; presumption. The requirements of this regulation shall apply to each reciprocating engine stationary source with a capacity equal to or greater than 730 horsepower, 550 kilowatts, or 5.1 million Btu per hour fuel input. Each reciprocating engine stationary source with a capacity of less than 730 horsepower, 550 kilowatts, or 5.1 million Btu per hour fuel input shall be presumed to have a potential-to-emit of less than 100 tons of each regulated pollutant per year.

(c) 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 a reciprocating engine stationary source who elects to operate the source pursuant to this regulation and K.A.R. 28-19-542 shall meet the following requirements:

(1) Limit the operations of the source during each consecutive 12-month period to 5,800,000 horsepower hours, 4,300,000 kilowatt hours, or 40,000 million Btu fuel input;

(2) maintain records demonstrating that the operating restrictions specified in 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 following 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.

(d) Reporting required.

(1) If at the end of any calendar quarter, a source has operated during the previous four consecutive calendar quarters at a level exceeding 85% of the restrictions specified in paragraph (c)(1) of this regulation, the owner or operator of this source shall report in writing to the department the actual operations for the past four quarters.

(2) The actual operations shall be reported in the same units as those in the operating restrictions specified in 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.

(e) Notice of exceedance required.

(1) If at any time a reciprocating engine stationary source that the owner or operator has elected to operate pursuant to this regulation exceeds the operational limitations of paragraph (c)(1) 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 paragraph (c)(1) 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 paragraph (c)(1) 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.

(f) 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 *****