Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—New Source Performance Standards.

28-19-720. New source performance standards.

(a) 40 C.F.R. part 60 and its appendices, as revised on July 1, 2017, are hereby adopted by reference except for the following:

(1) Provisions that are not delegable by the USEPA to the state or for which only the USEPA administrator retains authority, including the subparts, sections, and paragraphs containing any of the following:

(A) Alternative methods of compliance approvable only by the USEPA administrator;

(B) emission guidelines;

(C) delegation of authority;

(D) hearing and appeal procedures;

(E) requirements regulating any stationary source located outside of Kansas; or

(F) requirements regulating any geographic area located outside of Kansas; and

(2) provisions no longer in effect on the effective date of this regulation.

(b) The definitions adopted by reference in subsection (a) shall apply only to this regulation. Unless the context clearly indicates otherwise, the following meanings shall be given to these terms as they appear in the portions of 40 C.F.R. part 60 adopted by reference in subsection (a):

(1) The term "administrator" shall mean the secretary or the secretary's authorized representative.

(2) The term "United States environmental protection agency" and any term referring to the United States environmental protection agency shall mean the department.

(3) The term "state" shall mean the state of Kansas.

(c) The owner or operator of each source that is subject to this regulation shall submit to the department any required annual reports specified in 40 C.F.R. part 60 within 180 days of the last day of the year for which the report is required, unless the

owner or operator is required in this article of the department's regulations to submit annual reports on a different schedule.

(Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3008 and K.S.A. 65-3010; effective Jan. 23, 1995; amended June 6, 1997; amended June 11, 1999; amended Dec. 3, 2004; amended June 15, 2007; amended Nov. 5, 2010; amended Nov. 14, 2014; amended Dec. 11, 2020.)

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