Kansas Administrative Regulations

Department of Health and Environment

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

28-19-511. Class I operating permits; application contents.

(a) Applications for class I operating permits and renewals of class I operating permits shall be submitted in writing on forms provided or approved by the department.

(1) The original and two copies of the application, including all supporting documentation, shall be submitted to the department.

(2) An additional copy shall be submitted for each affected state.

(b) Except as provided in paragraph (h) of this regulation, an application for a class I operating permit shall include, but is not limited to, the following information:

(1) identifying information, including:

(A) company name and address or plant name and address if different from the company name;

(B) the owner's name and agent;

(C) the name and address of the responsible official; and

(D) the telephone number and names of plant site manager or contact person;

(2) a description of the stationary source's processes and products, by standard industrial classification code, including any associated with each alternate scenario identified by the applicant;

(3) all emissions, including fugitive emissions, of pollutants for which the source is major and all emissions, including fugitive emissions, of regulated pollutants.

(A) A permit application shall describe all emissions of regulated pollutants emitted from any emissions unit, except for insignificant activities, a list of which shall be maintained by the department, or insignificant emission levels.

(B) For insignificant activities which are exempt because of size or production rate, a list of such insignificant activities shall be included in the application.

(C) Information regarding an insignificant activity or emission shall not be omitted if the information is necessary to determine whether an applicable requirement applies or should be imposed.

(D) Additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source may be required by the department.

(E) For purposes of this subsection, insignificant emission levels include those from emissions units which do not have a potential-to-emit in excess of the following and for which no applicable requirement exits:

(i) the de minimis level for any hazardous air pollutant;

(ii) one hundred tons per year of carbon monoxide;

(iii) forty tons per year of nitrogen oxides;

(iv) forty tons per year of sulfur dioxide;

(v) twenty-five tons per year of particulate matter emissions;

(vi) fifteen tons per year of PM10 emissions;

(vii) forty tons per year of volatile organic compounds; or

(viii) 0.6 tons per year of lead;

(4) identification and description of all points of emissions described in paragraph (b)(3) of this regulation in sufficient detail to establish the applicability of requirements of the Kansas air quality act;

(5) emissions rates stated in tons per year and in such terms as are necessary to establish compliance consistent with any applicable standard reference test methods;

(6) the following information to the extent it is needed to determine or regulate emissions:

(A) fuels;

(B) fuel use;

(C) raw materials;

(D) production rates; and

(E) operating schedules;

(7) identification and description of air pollution control equipment and compliance monitoring devices or activities;

(8) limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the emissions unit or stationary source;

(9) any other information required by any applicable requirement, including information related to stack height limitations developed pursuant to K.A.R. 28-19-18 through 28-19-18f;

(10) calculations on which the information in paragraphs (b)(3) through (b)(9) of this regulation is based;

(11) the citation and a description of all applicable requirements and a description of or reference to any applicable test method for determining compliance with each applicable requirement;

(12) other specific information that may be necessary to implement and enforce other applicable requirements or to determine the applicability of such requirements;

(13) an explanation of any proposed exemptions from otherwise applicable requirements;

(14) additional information as determined to be necessary by the department to define alternative operating scenarios identified by the applicant or to define other permit terms and conditions;

(15) a statement of whether the stationary source is obligated to register and submit a risk management plan pursuant to section 112(r) of the federal clean air act and, if so, whether the required submittal has been prepared and submitted to the appropriate authorities;

(16) a compliance plan for all emissions units or stationary sources. These compliance plan content requirements shall also be applicable to affected sources under title IV, acid deposition control, of the federal clean air act unless specifically superseded by statute or regulation. A compliance plan shall contain all of the following:

(A) a description of the compliance status of the emissions unit or stationary source with respect to all applicable requirements;

(B) a description as follows:

(i) for applicable requirements with which the emissions unit or stationary source is in compliance, a statement that the emissions unit or stationary source will continue to comply with such requirements;

(ii) for applicable requirements that will become effective during the permit term, a statement that the emissions unit or stationary source will meet such requirements on a timely basis;

(iii) for requirements for which the emissions unit or stationary source is not in compliance at the time of permit issuance, a narrative description of how the emissions unit or stationary source will achieve compliance with such requirements;

(iv) for any source that fails to verify in its application pursuant to K.A.R. 28-19-511(b)(15) that it has submitted a risk management plan in accordance with section 112(r) of the federal clean air act, a statement that the source will submit the required plan by a date specified in the permit;

(C) a compliance schedule as follows:

(i) for applicable requirements with which the emissions unit or stationary source is in compliance, a statement that the emissions unit or stationary source will continue to comply with such requirements;

(ii) for applicable requirements that will become effective during the permit term, a statement that the emissions unit or stationary source will meet such requirements on a timely basis. A statement that the emissions unit or stationary source will comply in a timely manner with any applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;

(iii) a schedule of compliance for emissions units or stationary sources that are not in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the emissions unit or stationary source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the emissions unit or stationary source is subject. Any such schedule of

compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;

(D) a schedule for submission of certified progress reports no less frequently than every 6 months for emissions units or stationary sources required to have a schedule of compliance to remedy a violation; and

(E) a statement that failure to comply with any term of a compliance plan or compliance schedule shall be considered a violation of this regulation; and

(17) requirements for compliance certification, including the following:

(A) a certification of compliance with all applicable requirements by a responsible official consistent with paragraph (e) of this regulation and K.S.A. 65-3008(b) and amendments thereto;

(B) a statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(C) a schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or the department;

(D) a statement indicating the compliance status of the emission unit or stationary source with any applicable enhanced monitoring requirements and applicable compliance certification requirements; and

(E) a statement indicating that the stationary source is properly implementing any required risk management plan in accordance with section 112(r) of the federal clean air act.

(c) The owner or operator of the stationary source shall provide additional information requested by the department.

(d) The owner or operator of the stationary source may apply for restrictions of operating hours or restrictions on the type or amount of material combusted, stored or processed. The restrictions may be incorporated into the class I operating permit. The calculation of the potential-to-emit of the stationary source shall take into consideration such operational restrictions if the procedures set out at K.A.R. 28-19-501 were followed during the issuance of the construction or class I operating permit.

(e) Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under the Kansas air quality act, and regulations promulgated thereunder, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(f) Any person who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the stationary source after the date a complete application was filed but prior to the solicitation of public comments regarding the proposed permit.

(g) Failure to comply with any term of a compliance plan or compliance schedule shall be considered a violation of this regulation.

(h) For any non-major or area source required to obtain a class I operating permit, an application shall address only the applicable requirements applicable to emission units that cause the source to require a class I operating permit. These non-major or area sources shall be subject to an application fee of $50.00 in lieu of the requirements of K.A.R. 28-19-516.

(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 *****