Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—National Emission Standards for Hazardous Air Pollutants (MACT).

28-19-752a. Hazardous air pollutants; limitations applicable to construction of new major sources or reconstruction of existing major sources.

(a) Applicability.

(1) For the purposes of this regulation, 40 C.F.R. § 63.40, as in effect as of July 1, 1997 is adopted by reference.

(2) Except as otherwise provided by 40 C.F.R. § 63.40(c), (e), and (f), this regulation shall apply to the owner or operator of each proposed new major source of hazardous air pollutants (HAPs) and the owner or operator of each existing major source of hazardous air pollutants for which reconstruction is proposed.

(b) Definitions.

(1) For the purposes of this regulation, 40 C.F.R. § 63.41, as in effect as of July 1, 1997, is adopted by reference.

(2) "Case-by-case MACT determination" means a determination pursuant to the provisions of subsection (d) of this regulation so that emissions of HAPs from the constructed or reconstructed source will be controlled to a level no less stringent than the maximum achievable control technology, or "MACT", emission limitation for new sources.

(c) Prohibition. After the effective date of this regulation, the owner or operator shall not begin actual construction or reconstruction of a major source of HAP unless the conditions of both paragraphs (1) and (2) of this subsection are met:

(1) The owner or operator has fully complied with all requirements of the construction permit program, K.A.R. 28-19-300, et seq. for preconstruction review, including applicable requirements of section (d) of this regulation, and of subpart A of 40 C.F.R. part 63 as adopted by K.A.R. 28-19-750.

(2) (A) The major source category has been specifically regulated or exempted from regulation under a standard issued in 40 C.F.R. part 63 pursuant to 42 U.S.C. § 7412(d), 42 U.S.C. § 7412(h), or 42 U.S.C. § 7412(j); or

(B) The owner or operator of the source has applied to the department through the preconstruction review process of K.A.R. 28-19-300, et seq., as required by paragraph (1) of this subsection for, and received from the department a final and effective case-by-case MACT determination pursuant to the provisions of subsection (d) of this regulation so that emissions of HAPs from the constructed or reconstructed source will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

(d) Requirements. The owner or operator of a source subject to this regulation shall apply for the construction permit under 28-19-300, et seq. and comply with the provisions of 40 C.F.R. §63.43, as in effect as of July 1, 1997, which are adopted by reference, except for the following subsections of 40 C.F.R. § 63.43:

(1) 40 C.F.R. § 63.43(h)(1); and

(2) 40 C.F.R. § 63.43(i).

(e) Requirements for constructed or reconstructed major sources subject to subsequently adopted MACT standard or MACT requirement. The owner or operator of each major source subject to this regulation shall comply with the applicable provisions of 40 C.F.R. § 63.44, in effect as of July 1, 1997, which is adopted by reference. (Authorized by K.S.A. 1998 Supp. 65-3005; implementing K.S.A. 1998 Supp. 65-3008; effective Aug. 13, 1999.)

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