28-19-546. Class II operating permits; annual emission inventory and fees. Except as may be otherwise specifically required, each owner or operator of a stationary source that is required by these regulations to apply for a class II operating permit shall, on or before April 1 of each year, submit to the agency all operating information and any other relevant information deemed necessary by the secretary to estimate the actual air emissions from the stationary source for the preceding year. If April 1 falls on a Saturday, Sunday, or holiday, then the submissions shall be due on or before the next business day following April 1. The timeliness of the submissions shall be determined by the postmark if submitted by mail. This information shall be submitted on forms provided by the agency or approved by the secretary comply with this regulation.

(a) Annual emissions inventory.

(1) Each owner or operator shall electronically submit to the department an annual emissions inventory for each stationary source for the year preceding the calendar year in which the owner or operator is required to apply for an operating permit and each year thereafter.

(2) Each annual emissions inventory shall be submitted for any regulated pollutant deemed necessary by the secretary from each emission unit, as defined in K.A.R. 28-19-200, and shall include the following:

(A) All operating information;

(B) actual emissions, including fugitive emissions, calculated pursuant to K.A.R. 28-19-210;

(C) any quantity of emissions regardless of operating hours, including sources that did not operate; and

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(D) emissions from each source only while operating in Kansas, if the source operates
both in Kansas and out of state.

(b) Annual emissions fees.

(1) Each owner or operator shall pay to the department annual emissions fees calculated
by the department based on information provided in the annual emissions inventory.

(2) For calendar year 2025 and for each subsequent calendar year, the annual emissions
fees shall be the sum of the hazardous air pollutant (HAP) emissions fee and the criteria
emissions fee as follows:

(A) The HAP emissions fee shall be $80.00 per ton of emissions multiplied by the total
number of tons of HAP emissions rounded to the nearest ton.

(B) The criteria emissions fee shall be $56.00 per ton of emissions multiplied by the total
number of tons of emissions, with a maximum of 4,000 tons of each of the following pollutants
rounded to the nearest ton:

(i) Sulfur dioxide;

(ii) nitrogen oxides;

(iii) PM10, excluding PM10 emissions already accounted for as HAP emissions in
paragraph (b)(2)(A); and

(iv) volatile organic compounds (VOCs), excluding VOC emissions already accounted
for as HAP emissions in paragraph (b)(2)(A).
(c) Submittal.

(1) Each annual emissions inventory shall be signed by a responsible official, as defined in K.A.R. 28-19-200, and shall be due on or before April 1 of each year or, if April 1 is a Saturday or Sunday, on or before the next business day following April 1.

(2) Each payment for annual emissions fees shall be payable to the Kansas department of health and environment by check, bank draft, credit card, or money order. Each payment shall be due on or before April 1 of each year or, if April 1 is a Saturday or Sunday, on or before the next business day following April 1.

(3) If there is a change in the owner or operator of the stationary source, the owner or operator at the time the submission is due shall be responsible for submitting the annual emissions inventory and annual emissions fees. For purposes of determining the annual emissions inventory required by subsection (a) for any period in which there was any other owner or operator of the stationary source, the owner or operator may assume current operating and emission information if the owner or operator is unable to obtain actual information from any previous owner or operator.

(d) Late fee and refund.

(1) Each owner or operator who fails to submit the annual emissions inventory and pay the annual emissions fees by the due date specified in subsection (c) shall pay a late fee. The late fee shall be $200.00 per day or 0.10 percent of the annual emissions fees per day, whichever is greater.
(2) Any overpayment of $100.00 or more made by the owner or operator of a stationary source may be refunded. Overpayments in any amount less than $100.00 shall not be refunded. (Authorized by K.S.A. 65-3005 and 65-3024; implementing K.S.A. 65-3007 and 65-3024; effective Jan. 23, 1995; amended Feb. 20, 1998; amended Sept. 23, 2005; amended P-________________.)
28-19-564. Class II operating permits; permits-by-rule; sources with actual emissions less
than 50 percent of major source thresholds. (a) Any stationary source, or group of stationary
sources, that would be classified as a major source based on its potential-to-emit may operate
according to this regulation in lieu of obtaining an individual class I or class II operating permit,
if the source is operated in compliance with subsections (d), (e), (f), and (g) of this regulation;
and with either subsection (b) or subsection (c) of this regulation. Sources that are required to
obtain a class I or class II operating permit based on criteria other than potential-to-emit shall not
be eligible to operate under this regulation.

(b) Any stationary source or group of stationary sources that has actual emissions not
exceeding 25 percent of the major source threshold, as defined in K.A.R. 28-19-200, may
operate according to this subsection, if the source meets all of the following conditions:

(1) The stationary source is not otherwise required to obtain a class I operating permit.

(2) The owner or operator of the stationary source notifies the department, in writing, that
it elects to operate the source under this regulation.

(3) The actual emissions of each regulated pollutant, for every consecutive 12-month
period during which the stationary source is operated under this regulation, do not exceed 25
percent of the major source threshold.

(4) The owner or operator of the stationary source maintains records, as specified in
subsection (h) of this regulation, that demonstrate compliance with the 25 percent actual
emissions limitation.

(5) The owner or operator updates the records required by paragraph (b)(4) of this

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regulation at least monthly and maintains the records on-site for at least two years from the date of record.

(c) Any stationary source or group of stationary sources with actual emissions not exceeding 50 percent of the major source threshold, as defined in K.A.R. 28-19-200, may operate according to this subsection if the source meets all of the following conditions:

(1) The stationary source is not otherwise required to obtain a class I operating permit.

(2) The owner or operator of the stationary source has submitted to the department an application to operate under the terms of this regulation, with and the appropriate fee, as defined specified in K.A.R. 28-19-545.

(3) The owner or operator of the stationary source has received notice from the secretary that the application submitted for the source has been approved.

(4) The actual emissions from the stationary source, for every consecutive 12-month period during which the stationary source is operated under this regulation, do not exceed 50 percent of the major source threshold.

(5) The owner or operator of the stationary source maintains records, as specified in subsection (h) of this regulation, that demonstrate compliance with the 50 percent actual emissions limitation.

(6) The owner or operator updates the records required by paragraph (c)(5) of this regulation at least monthly and maintains the records on-site for at least two years.
(d)(1) If at any time a stationary source operating according to this regulation exceeds the applicable emissions level of either paragraph (b)(3) or paragraph (c)(4) of this regulation, whichever is applicable to the source based on its election to operate according to this regulation, the owner or operator shall notify the secretary in writing.

(2) The owner or operator shall mail, electronically submit, or deliver the notice to the secretary on the first working day after the discovery of the failure to comply.

(3) Within 60 days of the discovery of a failure to comply with an applicable requirement of this regulation, the owner or operator shall submit to the secretary an interim compliance plan and schedule identifying those actions being taken by the owner or operator to ensure compliance with applicable requirements until the appropriate class I or class II operating permit is issued according to paragraph (d)(5) of this regulation.

(4) Submittal of and compliance with the compliance plan and schedule shall not shield exempt the owner or operator from enforcement action by the department.

(5) The owner or operator shall also file an application for the appropriate class I or class II operating permit within 180 days of discovery of the exceedance of the applicable limits of either paragraph (b)(3) or paragraph (c)(4) of this regulation, whichever is applicable to the source based on its election to operate according to this regulation, unless otherwise exempt.

(e) Each owner or operator of a stationary source shall submit to the department, by February 15 April 1 of each year, a summary of the monthly records required by paragraph (b)(4) or (e)(5) of this regulation, whichever is applicable, for the previous calendar year in lieu of the recordkeeping requirements of subsection (b)(4) or (e)(5) of this regulation.
of submitting an annual emissions inventory and annual emissions fees for the stationary source
as otherwise required by K.A.R. 28-19-546(a).

(f) Compliance with this regulation shall not shield exempt the owner or operator from
enforcement action for exceeding any applicable restrictions; or for any other violations of the
Kansas air quality act or the Kansas air quality regulations.

(g) Each owner or operator of a stationary source operated according to this regulation
shall continue to be subject to comply with all other applicable requirements of the Kansas air
quality act and the Kansas air quality regulations.

(h)(1) The following records specified in this subsection shall be presumed to be
sufficient to determine compliance with the recordkeeping requirements of this regulation:

(A) For coating and solvent emission units, the following:

(i) A current list of all coatings, solvents, inks, and adhesives in use, including VOC
volatile organic compounds (VOC) and hazardous air pollutant content;

(ii) a description of any equipment used for coating or solvent application, including type,
make, and model, and maximum design process rate or throughput;

(iii) a monthly log of the consumption of each coating, ink, adhesive, and solvent,
including solvents used in cleanup and surface preparation; and

(iv) purchase orders, invoices, and other documents to support information in the monthly
log;

(B) for organic liquid storage units, the following:

(i) A monthly log identifying the liquid stored and monthly throughput; and
(ii) information on the tank design and specifications, including emissions control equipment;

(C) for combustion emission units, the following:

(i) Information on equipment type, make, and model; maximum design process rate or maximum power input and output; minimum operating temperature for thermal oxidizers; capacity; and all source test information; and

(ii) a monthly log of fuel type, fuel usage, fuel heating value, and percent sulfur for fuel oil and coal;

(D) for any emission control device for which emission reductions are being claimed, the following:

(i) Information on the control device type, including description, make, and model, and emission units served by the control device;

(ii) information on the control device design including, if applicable, the pollutant or pollutants being controlled, control device efficiency and capture efficiency, maximum design or rated capacity, and other design data as appropriate, including any available source test information; and

(iii) a monthly log of hours of operation, including notation of any control equipment breakdowns, upsets, repairs, maintenance, and any other deviations from design parameters; and

(E) for all other emission units, the following:

(i) Information on the process and equipment, including equipment type, description, make, and model;
(ii) maximum design process rate or throughput;

(iii) a monthly log of operating hours and each raw material used and its amount; and

(iv) purchase orders, invoices, or other documents to support the information in the monthly log.

(2) Each owner or operator relying on other documentation to demonstrate compliance with this regulation shall establish that the documentation relied upon demonstrates compliance with the recordkeeping requirements of this regulation.

(i) During the first 12 months of operation under this permit-by-rule, each owner or operator of the processes affected by this permit-by-rule shall operate in a manner that will not exceed any of the applicable permit limitation requirements contained within this regulation at any time during the initial 12-month period.

(j) Within six months of EPA's approval of this regulation into the Kansas state implementation plan, any entity operating under the "general class II air emission source air operating permit for facilities that have actual emissions below 50 percent of major source thresholds" shall apply to operate under this regulation or other applicable operating permit.