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Kansas Department of Health and Environment
Bureau of Air
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Class III Air Operating Permits, K.A.R. 28-19-500(c) & K.A.R. 28-19-500(d) Technical Guidance Document - BAR 2010-01

Purpose: To describe the applicability of K.A.R. 28-19-500(c) & K.A.R. 28-19-500(d), the Class III Air Operating Permit program.

KDHE developed the Class III Air Operating Permit program to create a registry of non-major facilities deferred by EPA from obtaining a Title V permit. K.A.R. 28-19-500(c) and K.A.R. 28-19-500(d), effective on January 23, 1995, listed the types of facilities required to obtain a Class III Permit. K.A.R. 28-19-575 through K.A.R. 28-19-578 described the Class III Permit program.

On December 9, 2005, EPA decided that most non-major facilities would not be required to obtain a Title V permit. The only exception was for secondary lead smelters subject to 40 CFR Part 63, Subpart X. Facilities that operate secondary lead smelters subject to 40 CFR Part 63, Subpart X are required to obtain a Title V permit. Some non-major facilities may still be required to obtain a Title V permit if specifically required by a federal regulation including, but not limited to, incinerators and landfills subject to a New Source Performance Standard (40 CFR Part 60).

KDHE revoked K.A.R. 28-19-575 through K.A.R. 28-19-578 on September 23, 2005. This revocation eliminated the obligation to obtain a Class III Permit. Revisions to K.A.R. 28-19-500(c) through K.A.R. 28-19-500(i) and K.A.R. 28-19-714 (h) will eliminate all references to Class III permits. All existing Class III permits shall be considered void as of the date of the revocation. No facility is currently required to obtain or operate under a Class III permit.

Be advised that this guidance document does not relieve a facility of the responsibility to obtain construction and operating permits resulting from future modifications that would increase its air emissions above the permitting thresholds or trigger an applicable federal, state or local requirement. Further, be advised that this guidance document does not relieve a facility of the responsibility to comply with all applicable federal, state and local air requirements including, but not limited to, K.A.R. 28-19-13, K.A.R. 28-19-20, K.A.R. 28-19-30 through 32, K.A.R. 28-19-40 through 43, K.A.R. 28-19-650, K.A.R. 28-19-720, K.A.R. 28-19-735, and K.A.R. 28-19-750.

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Approved by:

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