

Common Compliance Violations



The state belongs to all of us - "Kansas Don't Spoil It"

The importance of compliance.....

Take care of the environment, avoid additional inspections, and potential fines.

- **Kansas is an EPA delegated state for the air program**
- **Kansas does move to adopt regulations that meet EPA expectations but these are not concurrent events**

Determining compliance.....

- **Facility Permits**
 - **Operating Plans**
 - **Performance Test parameters**
- **Kansas regulations**

Determining compliance.....

- **Inspections**
 - **Notice of Non-Compliance (NON)**
- **Performance Testing**
 - **Compliance Testing and Asbestos**
- **Reporting Requirements**
- **Know your facility**



Common Violations.....

- **Performance Test**
 - **Didn't meet deadline**
 - **Failure to submit required notifications or prior notice of testing dates**
 - **Failure to demonstrate compliance**
 - **Failure to follow the required testing procedures and protocols**

Common Violations.....

Operating Permits

- **Failure to obtain an operating permit when required**
- **Failure to submit a timely Class I renewal application for the operating permit**



Common Violations.....

Construction Permits and Approvals

- **Timely submittal for construction permits and approvals prior to groundbreaking and/or installation**
- **KAR 28-19-300(a) was revised in 2015 to assist in making a determination on when a permit modification or approval is needed**



Common Violations.....

...the paperwork

- **Keep data accessible**
- **Set up calendar**
- **Check the calculations**
Rolling 12 month



Common Violations.....

...the paperwork

40 CFR Parts 60 NSPS	KDHE
40 CFR Parts 61, and 63 NESHAP, and MACT Standards	KDHE, copy to EPA
Semi-Annual Reports for Title V Permits	KDHE
Annual Certifications for Title V Permits	KDHE, copy to EPA
Emissions Inventory (both Class I and Class II permits)	KDHE
Performance Test Reports	KDHE



Common Violations.....

Excessive Emissions of Regulated Pollutants

- **Regulatory limitations on emissions**
- **Permit Conditions or limitations**
- **Monitoring requirements**



Common Violations.....

Equipment Operation

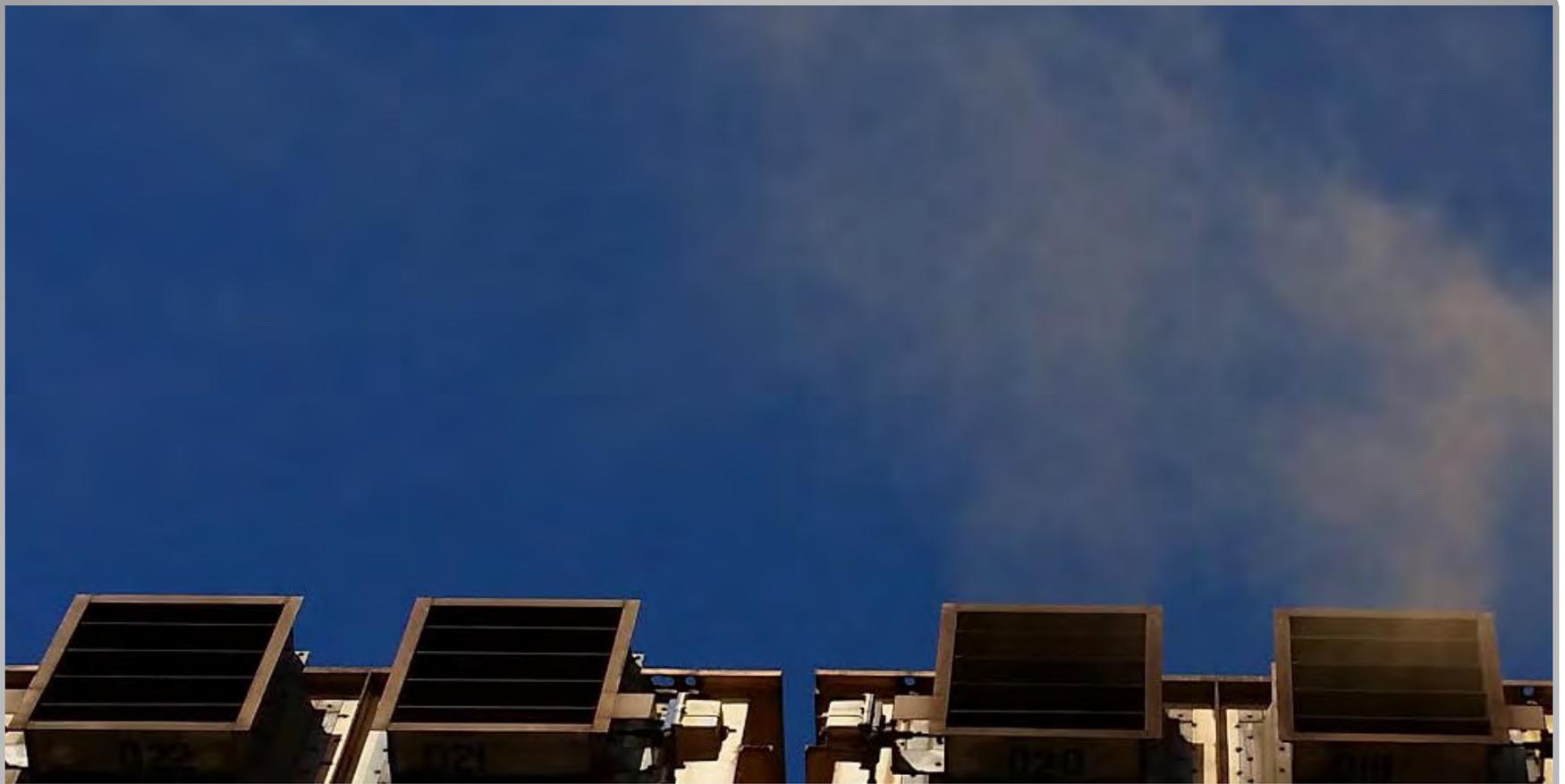
- **Failure to install, maintain, or operate required control equipment – baghouses, scrubbers, catalytic converters**
- **Visible Emissions**
- **Open Burning**



Be Proactive.....

- Find tools that work for you
- Be familiar with the facility requirements
- Resources: consultants, trade groups, K-State's SBEAP
- Facility involvement
- Monitoring requirements





Facility Awareness

Our vision is 'healthy Kansans living in safe and sustainable environments'. The state belongs to all of us - "Kansas Don't Spoil It"

If I have violation, now what?

- If found during the inspection, the exit interview will relay this information. Could be identified by the facility, deviation report or we receive a complaint
- Correspondence regarding the issue will come from BOA
- Stay proactive in resolving



If I have violation, now what?

Correspondence Terminology

Notice of NonCompliance- NON

Letter of Warning –LOW

If need for formal action determined



Consent Agreement and Final Order (CAO)

- Cooperative
- Negotiable timetable
- Consideration of SEPs or abeyance

Administrative Order (AO)

- Cooperation not evident
- Strict timetable
- No SEPs or abeyance

BOA utilizes an established policy to determine to determine enforcement actions. The factors built for penalties are designed to demonstrate the differences that exist in violations and promote consistency in the review of the violations.



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