

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



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





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KDHE Air Quality Inspection Procedure



David Butler

“To Protect and Improve the Health and
Environment of All Kansans”

Pre-Inspection

- **File Review.**
- **Construction Permits.**
- **(NON) Notice of Noncompliance.**
- **Permit and Regulation Review.**

Class I, Class II, and B

NSPS, MACT, NESHAP, PSD, SIP

**Facility Process-Equipment List and Control
Equipment.**

Inspection

- **Observe Facility Emissions (Opacity) and Odors Outside Fence Line.**
- **Site Entry.**
- **Present Credentials to Facility Representative.**
- **Present Purpose of Inspection and Information Needed.**

Review Inspection Records

- **Production Rate Changes.**
- **Hours of Operation, ManPower Numbers.**
- **Any Facility Modifications-Construction Permits?**
- **Any Changes Planned This Year or Next?**
- **Any Major Malfunctions Over The Year?**
- **Review Permit with Facility.**

Review Inspection Reports

- **Annual Certification Report.**
- **Semi-Annual Title V Report.**
- **Semi-Annual NSPS, MACT, NESHAP Reports.**
- **Emission Inventory Report.**

Review Inspection Records

- Does The Facility Have A Maintenance Plan?
- Does The Facility Have Maintenance Records?
- Records For NSPS, MACT, NESHAP.
 - Pressure Drops, Production Rates, Run Hours, Temperatures and Throughput.
- Review SDS Sheets.
- Spill Plan or Emergency Episode Plan.

Review Inspection Records

- **Any Open Burning or Fire Training?**
- **Any Chlorofluorocarbons (CFC) A/C Work Done?**
- **Any Asbestos Work Done?**

Facility Tour

- **Review Facility Equipment List and Control Equipment.**
- **Look at Process Equipment and Control Equipment.**
- **Record and Review Monitoring Equipment Readings.**
- **Sketch or Get Facility Process Flow Diagram.**
- **Take Opacity Readings.**

Exit Meeting

- **Request Additional Information.**
- **Check Contact Information.**
- **Present Findings With Facility Representative.**
- **Letter Will Be Sent in One to Two Weeks.**



QUESTIONS

David Butler
dbutler@kdheks.gov
316-337-6042

“To Protect & Improve the Health & Environment of All Kansans”



PREPARING FOR AN AIR INSPECTION

**Kansas Environmental Conference
Ramada Hotel & Convention Center, Topeka
August 19, 2015**

**Daniel R. Wilkus, P.E.
Director, Air Programs**

Today's Overview

- Pre-Inspection Activities
- Inspection Guide
- Inspection Day
- Inspection Feedback/Follow Up



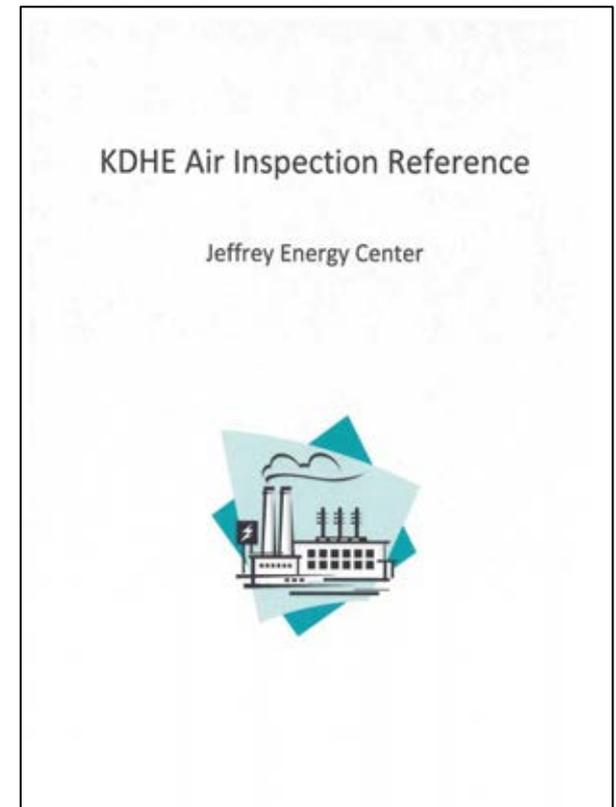
Pre-Inspection Activities

- MAKE SURE YOU ARE IN COMPLIANCE!
- Periodic Meetings with Facility Staff
 - Monthly Environmental Meetings
- Inspection Protocol
 - Who is called when an inspector shows up at the front gate?
 - What if they are not available?
 - Team to accompany inspector onsite
- Periodic Records Review
 - Physical and Electronic
 - Paper files
 - Corporate server
 - Corporate maintenance system (Synergen)
 - Environmental Compliance Software – OpsAir



Inspection Guide

- Westar Air Inspection Reference Guide
 - Contains pertinent facility specific inspection information
 - Includes common records
 - Current Class I Semi-annual Report
 - Current Class I Annual Certification
 - Construction Permits
 - Class I (Title V) Permit
 - RICE MACT and NSPS Summaries
 - Most recent Annual Emission Inventory
 - Compliance Assurance Monitoring (CAM) Plans
- Physical or Electronic Files
 - Maintenance logs, hours of operation, etc.
 - Stack test reports



OpsAir Record Example

SUMMARY REPORT

Owner/Operator: Westar Energy
 Facility: Jeffrey Energy Center
 KS Source ID No. 1490001
 Data Period: January 01, 2013 through January 01, 2014
 Date: January 27, 2014
 From the Opacity Limitations and Monitoring section of the Operating Permit

EMERGEN01, EMERGEN02, EMERGEN03, FIREPUMP01, and FIREPUMP02 are subject to the following opacity limitation:

Opacity shall not exceed 20 percent except as provided in K.A.R. 28-19-9, 28-19-11, or 28-19-650(c). [K.A.R. 28-19-650(a)(3)]

Emergency generators or other emergency equipment firing liquid fossil fuel, provided they meet the definition of emergency equipment as defined by the USEPA emergency generator policy dated September 6, 1995, are not subject to routine periodic monitoring requirements. Instead, the facility shall record the hours of operation and provided the hours of operation are less than or equal to 500 hours on a 12-month rolling average basis, no further monitoring or recordkeeping is required. In the event the emergency generators are operated in excess of 500 hours on a 12-month rolling basis, the facility will follow the routine periodic monitoring requirements outlined in its Title V permit until such time as the 12-month rolling average hours of operation are less than or equal to 500 hours.

Following is a summary of the hours of operation of the emission units. As noted in the table, each emission unit operated less than 500 hours per year, therefore, no opacity assessments were required during this semi-annual reporting period.

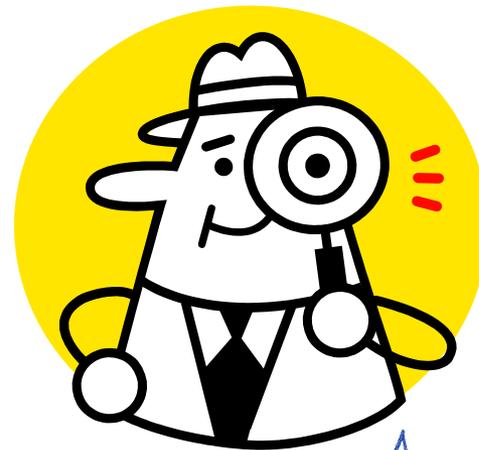
Hours of Operation			
Timeframe	Hours of Operation, 12-month rolling average	Hours Required for Routine Periodic Opacity Monitoring	Periodic Opacity Monitoring Required?
EMERGEN01			
2/1/12 - 1/31/13	8	500	No
3/1/12 - 2/28/13	8	500	No
4/1/12 - 3/31/13	8	500	No
5/1/12 - 4/30/13	8	500	No
6/1/12 - 5/31/13	9	500	No
7/1/12 - 6/30/13	8	500	No
8/1/12 - 7/31/13	5	500	No

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Inspection Day

- Inspector arrives onsite
 - Unannounced
- Inspection Day Protocol is initiated
 - Facility contacts corporate/onsite environmental coordinator
 - Facility personnel may accompany while awaiting appropriate company person
 - Facility offers PPE to inspector if needed
- Let the inspector dictate what he or she wishes to observe, review, etc.
- Records review
- Facility tour
 - May take a visual opacity observation
 - Continuous emission monitors
- May visit with plant management
- Sit-down/recap – Any compliance issues???



Inspection Feedback/Follow-Up

- Inspector may provide verbal feedback at the end of the inspection
- Typically Inspector will provide company with follow-up letter
 - Identifies any non-compliance issues
- Take corrective actions if deficiencies are noted



Take Aways

- Continuously prepare for an Inspection
- Insure ongoing compliance
- Maintain complete and orderly records
- Determine who from your company will take the lead interfacing with the Inspector
- Follow-up on any noted deficiencies



Contact Information

Daniel R. Wilkus, P.E.

Westar Energy, Inc.

818 S. Kansas Avenue

Topeka, KS 66612

dan.wilkus@westarenergy.com

785-575-1614



